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GOVERNMENT IN MISSOURI

GOVERNMENT IN MISSOURI

LOCAL, STATE, AND NATIONAL

BY

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NEW YORK . . . CINCINNATI . . . CHICAGO
AMERICAN BOOK COMPANY

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GOVERNMENT IN MISSOURI.

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PREFACE

IN writing this book I have had in mind the needs of the children in the elementary schools of Missouri. As most of these pupils will not attend a high school or college, they should receive their training in citizenship before they leave the elementary school. It has been the primary aim to develop in the pupil some appreciation of his membership in the state, and the rights and duties arising therefrom. Hence the text begins with the family and school, township and county, city and village, — agencies of government with which the pupil is or may be made familiar through the facts of his daily life.

From these organs of local government the pupil can proceed to those of the state and national governments. In order to retain his interest in these wider fields, there has been introduced much material dealing with the activities of government as well as its organization. Care has been taken to present the actual operation of the government machinery. Recent important developments in Missouri, such as the direct primary and the initiative and referendum, have been explained. Much attention has also been given to the workings of the national government with particular reference to its new activities in the postal system, regulation of commerce, etc. The teacher can increase the interest of the pupils by using ballots, assessment lists, city

ordinances, and other material to illustrate the actual process of government. The pupil can be led to present illustrations taken from his daily experiences or gained by special visits to particular officials or public institutions.

As the book is intended for the pupils in the elementary school, it has been my aim to omit all discussions of a technically legal or constitutional character. The interest of the pupils will be quickly destroyed if they are called upon to read or memorize the details of judicial procedure or the formal language of constitutional provisions. Selected sections from the state and national constitutions may be used to advantage. A copy of the *Official Manual of the State of Missouri*, which can be secured free of charge from the Secretary of State at Jefferson City, will furnish much material for illustrating local, state, and national government. The suggestive questions which have been added at the end of each chapter may be used in this connection.

ISIDOR LOEB.

COLUMBIA, MISSOURI.

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GOVERNMENT IN MISSOURI

PART I

SOCIETY AND GOVERNMENT

CHAPTER I

INDIVIDUALS AND SOCIETY

Nature of Society. — Individuals do not act or live separate from or independent of other persons. Everywhere we find them living together in groups. A group of this kind is called a *society*. The members of a society act together for the purpose of securing certain ends or interests which they have in common. These common interests include the production of food and clothing, protection of life and property, religious, educational, and similar matters.

These associations of individuals have existed from the earliest periods of human history. Originally, however, the social groups were small in size. The social instinct was not well developed, because men did not recognize that they had common interests. They were selfish and suspicious, and refused to associate or co-operate with any one except members of their family or tribe. Gradually, after long periods of time, and as

a result of many causes, the social units expanded, until to-day a society may include many millions of men and women who have common interests and are acting together for the general welfare.

In many cases a member of a society may not know that his acts affect other persons in the group and that his interests are in turn influenced by the acts of others. When one eats a slice of bread one does not usually think of the grocer, baker, miller, and farmer who have all contributed to its production. Each of these persons has worked to produce the one result, and the act of each has influenced the acts of all the others. We have similar relationship to all persons who are engaged in any way in producing things which we eat or wear, to those who are protecting us or our property, and to those who contribute to our education or amusement.

The Family Society. — Social groups differ in nature and extent. The smallest social unit is the *family*, consisting of father, mother, and children. Each member of the family depends in some degree upon every other member. The parents support the children, protect them from harm, attend to their education, and care for them in many other ways. These privileges which the children enjoy carry with them the duty of obedience. The parents, being older and wiser, know what is best for the children.

The failure of a child to obey the parent may be bad not only for the child but also for the other members of the family group. Children have rights against one another, and one child cannot expect his own rights

to be respected unless he respects the equal rights of others. If one child injures the toys or books of another, he encourages others to act in the same way towards him. If each member of the family acted without regard to the others, conflicts would arise and the unity of the family would be destroyed. The common interests of the family would suffer, and as a result the welfare of the individual member would be affected. The ideal family is that in which each member understands that he cannot enjoy his own rights unless he respects the rights of other members.

The School Society. — The *school* is a larger social unit than the family, and exists for a special purpose, — education. Here again, however, we see the dependence of the members upon one another. The teacher and the pupil have a common purpose, but if they do not act in harmony, the result will be of little value. The situation is the same as in a shoe factory. If the men who are to fasten the heels do their work poorly, the finished shoe will not be perfect, though all the other workers do their duty. The neglect of work by one pupil affects not only his own education but the general work of the school. He needs more of the time of the teacher and thus delays the work of the class.

The common interests of the school society appear also upon the playground and in the school clubs. If one member of a ball club or debating society fails to do his part, he weakens his team. A member of an athletic team who breaks training by smoking or otherwise, is guilty not only of deceiving his fellow members

but of weakening the entire organization. As in the family, each member of the school must recognize the rights of others and act so as to promote the common interests of the school.

The Political Society. — The farm, mine, railroad, and church are other examples of social groups. The largest division of society, however, is the *state*, or *political society*. The family, school, and other societies attend to most of the things which arise within their respective groups. Certain matters, however, extend beyond these smaller divisions and can best be attended to by a larger social group. An example of this kind is the post office. A school or factory could arrange for delivering letters to the members of its group, but a larger unit must attend to such matters between members of two or more groups which may be far apart. Again, a family group on a farm or in a small town can provide itself with good water from a well or cistern. In a city this cannot be done, as the water cannot be kept free from impurities. Hence a larger social unit must provide a central supply of pure water and distribute it to the different families. The matter of lighting is another example, as a large plant can furnish better and cheaper light than could be provided by a single family.

Another cause for the existence of political society is the fact that serious disputes arise between members of a smaller group. It is best if such differences can be settled within the family, factory, or other social group concerned. In some cases this cannot be done, and the dispute would lead to conflict and injustice if there

were no way to settle the difficulty. Members of different groups may also disagree with each other. If they cannot settle the question it must be left to the decision of a larger society, — the state.

Some members of a society who do not respect the rights of other members take their property and injure them in other ways. Such acts detract from the common social welfare, and if not prevented, would destroy the social group. Political society prevents such acts by furnishing protection to persons and property, and by punishing persons who do not respect the rights of others. As each member of society has an interest in the general welfare of all, a person injures himself when he violates the rights of other members, and thus weakens the common interest. Hence punishment by the state should be of such a nature as to show the guilty person that his acts injure him, and to teach him that his true interest is in the general welfare of society.

SUGGESTIVE QUESTIONS

What is a society? How do the members of a social group act?

Why were social groups small in early times? Why are they large to-day? Show how the farmer, miller, and baker are members of the same social group. Is a shoe factory a society? Name some societies which are not mentioned in this book.

What makes the family a society? What does a child receive from his family? What must the child do for the family? Why is obedience best for the child?

Who are the members of the school society? Why is it necessary that they shall act together? Show how the acts of a member of a school club may affect the other members.

Give some reasons why political society is necessary.

CHAPTER II

GOVERNMENT

Need of Government. — It has been shown that every individual is a member of some society, and that his acts influence and are influenced by the acts of other individuals. If all persons had the same ideas and motives, their acts would be for the same end,—the common welfare of all. Individuals, however, differ widely in these matters. In order to prevent disputes and to secure order, it becomes necessary to have some rules regarding the acts of the different members of society. In every society these rules are created by a body or organization which we call the *government*. It is not sufficient to have rules. They must be observed. Hence it becomes the business of the government to see that its rules are carried out and are not violated.

Family Government. — In the family the parents as the wisest members make up the government. They decide upon the privileges of the children and make the rules which are necessary to protect such rights and to secure order in the family. As children become older their wishes are considered, and by helping to make rules they become part of the family government. In the true family, it is not necessary for the

government (the parents) to enforce the rules, as the children see that obedience is really for their own benefit. If a child refuses to obey the government of the family, the family must impose punishment. If one may disobey, all may do the same, and disorder would arise within the family. Punishment by the family government is intended to make the child see that obedience to the family rules is for his own welfare.

School Government. — Government in the school exists also for the purpose of preventing disputes and protecting the rights of its members. The rules of the school are created for this purpose. Education is for the benefit of the pupils, and they have more interest than the teacher in the observance of the rules. On the playground and in school societies, the pupils are usually the government, and make and enforce their own rules. In some schools the pupils help in the government of the classroom, as they see that the rules are for their own benefit.

Political Government. — Government of some kind is needed on the farm, in the factory, church, and other social groups. The state as a political society has its government and its rules. These rules are called laws, and are intended to secure peace and order in the state. That part of the government which makes laws is called the *legislative* department.

As in the family and school, these rules are for the general benefit of individuals, and are observed by them on that account. As some persons do not know what is for their best interest, they may fail to observe the

laws of the state. Hence the government must provide means for the enforcement of the laws. The *executive* department of the government looks after such enforcement of the laws.

In many cases persons will disagree regarding the meaning of a law. Disputes will also arise as to whether a particular act of an individual has violated the law. The government must decide such disputes by furnishing a method of interpreting the laws; that is, declaring their meaning. This is attended to by the *judicial* department of the government, which interprets the law and decides disputes.

Classes of Government. — In a very small political society there is need of only one government, which can attend to everything. To-day states are usually very large, and it is necessary to have different classes of government. The United States governs about 3,750,000 square miles of territory and more than 100,000,000 people. It would be impossible and undesirable to have one government attend to all the laws for this vast country, as it could not know the needs and interests of the people in the different sections. Hence there are many governments, each attending to certain matters within a given territory. All these different governments may be grouped under the classes of *local*, *state*,¹ and *national governments*.

¹ Up to this point the word *state* has been used in the broad sense, meaning a country or nation organized as a body politic. Here and in the remainder of the chapter it is used in the narrower sense, meaning one of the divisions of our country commonly known as states, but possessing only part of the powers of a state in the broader sense.

Local Government. — The local governments are the smallest divisions of government, and are closest to the people. They look after matters affecting peace and order, local taxation, roads and streets, relief of the poor, public schools, public health, elections, etc. Local governments are of different sizes and kinds. The territory of the state is divided into *counties*, *townships*, *cities*, *villages*, and *school districts*, for each of which a local government is provided.¹

State Government. — Most of the rules or laws which are enforced by the local governments are made by the state government, which assists the local governments in much of their work. The government of the state does many things also which cannot be attended to by local governments. It supports a university and normal schools, hospitals for the insane, schools for the blind and deaf, a penitentiary, and reform schools for boys and girls.

The state regulates and supervises banks, building and loan associations, and insurance companies, and promotes the interests of labor and agriculture in the state.²

National Government. — The national government attends to matters which affect more than one state. It has charge of relations with foreign countries, controls commerce among the states, supports an army and navy, and a postal system, controls the national territories,

¹ See Chapters V, VI, and VII for a full account of local governments.

² A full account of the work of the state government will be found in Chapters VIII–XV.

public lands, and Indian tribes. It also assists the states in promoting the interests of education, labor, agriculture, etc.¹

SUGGESTIVE QUESTIONS

Why is government necessary?

Who make up the government of the family? What may be done by this government? Show how children may have a share in the government of the family. What is the object of punishment in the family?

For what purpose does school government exist? What interest has a pupil in obeying the rules of the school? How may the pupils take part in school government?

What are laws? What department of government makes the laws?

What is done by the executive department? What is the judicial department?

Why must we have different classes of government?

Name some of the things attended to by the local governments. Why do they have control over such matters?

What are the important things done by the state governments? Why does the state support a university and normal schools?

Name some of the activities of the national government. Why does the national government attend to the postal system? Why does it attend to foreign relations?

¹ A full account of the activities of the national government will be found in Chapters XVI-XXIII.

CHAPTER III

CITIZENSHIP

Citizens and Aliens. — The persons who live within a country fall into two classes, — *citizens* and *aliens*. A citizen is one who is recognized as a member of the state or nation. As such, he has certain rights and duties which do not belong to persons who are not citizens. An alien is a citizen of one country who is living in another. In the latter country he has certain duties, but he is not given the full rights of a citizen.

Naturalization. — Citizens are of two classes, — *native-born* and *naturalized*. A person born in the United States is a native-born citizen of this country. Naturalization is a process provided by a law of Congress for changing an alien into a naturalized citizen. In order to be naturalized, an alien must have resided within the United States at least five years. His intention to become a citizen must have been declared at least two years and not more than seven years before he is naturalized. The naturalization is granted by a judge, who must require the alien to give up all allegiance to any foreign country and to take an oath to support the constitution and government of the United States.

Rights of the Citizen. — A *right* is the power or capacity to do a certain thing. Rights may be divided into two classes, — *civil* and *political* rights. Civil rights

are those which affect an individual in his person or property. Political rights include the privilege of sharing in the government. Civil rights are given to aliens as well as citizens. Political rights as a rule exist only for citizens of full age. These will be considered in the next chapter.

Personal Rights. — The most important civil rights are those which affect one's person. They include the right to life and liberty and the protection against injury to one's person or reputation. Freedom of religion and freedom of speech are important personal rights. The police furnish protection against physical force. The government also protects the health of its citizens, and punishes persons who spread false statements regarding any one.

When a person has committed a crime, the government may deprive him of his liberty and, in extreme cases, of his life. In order to prevent oppression and secure justice, the government is required to follow a regular procedure in the arrest, imprisonment, trial, and punishment of the accused person. These requirements will be discussed in Chapter XV.

Property Rights. — Property rights include the right to acquire, use, and transfer property, and to make contracts. The government protects a person against violation of his property rights by any individual. These rights are also protected against the government. The power of *eminent domain* gives the government the right to take the property of an individual when it is needed for public purposes, such as a courthouse, post

office, or a railroad ; but in all cases the owner must be given a just price for his property.¹

Duties of the Citizen. — We have seen that in the family, school, and the social groups the rights which a person enjoys carry with them corresponding duties which he owes to the other members of the group. The same is true of the state and nation. Some citizens do not recognize this fact. While they are quick to claim their rights they fail in meeting their duties. This tends to weaken the government and thus to weaken the rights which depend upon the government for enforcement.

Obedience. — The chief duty of a citizen is to *obey* the laws. The government cannot enforce the laws without the help of its citizens. A man may think a law is bad. In such case he should try to have the law changed. But until changed, it should be obeyed. If every person refused to obey a law of which he did not approve, the enforcement of all laws would be weakened. We must obey a bad law in order that good laws may be enforced.

Service. — A citizen owes the duty of *service* to the state. This includes the duty of paying taxes, voting if he has the right to vote ; also of jury service and office holding, in many cases, and, in case of necessity, military service. The government cannot do its work without the help of its citizens. A particular service may be inconvenient or disagreeable ; but the citizen

¹ For limitations upon the government's power of taxation, see Chapters XII, XIX.

cannot hope to have his own rights protected by the government unless he is willing to help it protect the rights of others.

Patriotism. — A citizen should be patriotic; that is, devoted to the interests of his state and nation. One who is patriotic must do more than merely obey the laws and render service to the government. He must concern himself with everything that affects its interests. He must study public questions in order that he may vote intelligently. He must attack every evil which threatens the state, whether this comes from foreign foes or internal corruption. He must promote every movement which will be of benefit to the state or any of its interests. The individual who acts for charity, education, or social improvement of any kind is no less a patriotic citizen than one who renders military service.

SUGGESTIVE QUESTIONS

Who are citizens? Who are aliens?

How may aliens become citizens? Is it a good plan for aliens to become citizens? Why?

Name some of the personal rights of an individual. Does an alien possess these personal rights?

How does the government protect one's right to life? How may one lose his right to liberty?

Give examples of property rights. How are these protected? May the government take the property of an individual? What must be done in such cases?

Name the most important duties of a citizen. Why does a citizen owe the duty of obedience?

Name some of the services which a citizen owes to the state. What does the duty of patriotism require of the citizen?

CHAPTER IV

SUFFRAGE AND ELECTIONS

Political Rights. — We have seen in the preceding chapter that political rights entitle one to share in the government. The principal political rights, which are duties as well, are the right of voting, or *suffrage*, and the right to *hold office*.

Public Officials. — Officials are persons who represent the people in carrying on the government. In some cases the people vote directly in making laws. In most cases, as this would be impossible, laws are made and enforced by officials chosen for this purpose.

Officials are chosen either by election, that is by the voters, or by appointment, in which case they are selected by superior officials. At first all officials except the chief executive and the members of the legislature were appointed, and this remains the rule in the national government. In the states and local governments, however, most of the important officials, executive and judicial as well as legislative, are elected.

Suffrage. — The character of the government will depend upon the voters. In order to have good government, it is necessary to provide certain tests or qualifications for the suffrage. In the United States the right to vote is fixed by each state. Most of the

states agree in requiring certain qualifications. The voter should be old enough to be able to vote intelligently. Hence all voters are required to be at least twenty-one years of age.

As no one but a citizen should have the power to influence the government, aliens are not usually given the right of suffrage. However, an alien who has declared his intention to become a citizen may vote in Missouri, and in some other states.¹

A voter should have a personal interest in the community and a knowledge of its needs. These can be gained by residence. In Missouri, in order to vote, a person must have lived in the state one year and in the county or city at least sixty days preceding the election.

Until recently women did not have the right to vote in Missouri and in most of the other states. A strong movement arose for woman suffrage which was finally successful in securing the adoption of the Nineteenth Amendment to the Constitution of the United States, giving women the same right to vote as men.

In our early history no one could vote unless he owned property or paid taxes. This rule still exists in some states, where it is believed to be a good test of the fitness of the voter. While an ignorant person cannot make a good voter, most states, including Missouri, permit such persons to vote. In only a few states must a voter be able to read or write his name.

¹ In November, 1922, the people of Missouri vote on an amendment to the constitution which proposes to take away this right from aliens.

In Missouri and most other states the right to vote is denied to persons kept in public poorhouses, asylums, or prisons.

Registration. — In order to prevent persons who are not qualified from voting, it is usually provided that the voter must have his name placed upon a *registration* list. No one is permitted to vote at any election unless his name appears upon this list. In Missouri registration of voters is not required except in the five largest cities and in Jackson County.

Nominations. — The laws permit a person to vote for any one for a public office. As a matter of fact, however, the voter makes his choice among several persons called *candidates* who desire to hold public office and have been *nominated*; that is, named, or selected, by the political parties. In order to select candidates, the political parties hold party *conventions* or *primaries*. A party convention consists of delegates chosen by the voters of the party. This convention nominates the party candidates. This is the method of nominating the President and Vice President, and was formerly used for the nomination of local and state officials. In Missouri and many other states, however, the law now requires the nomination of candidates by a party primary. In the primary the voters of a party vote directly for the candidates, the person receiving the highest number of votes being declared the party *nominee*, or candidate for the office. Until recently the primary was under the control of the political party, which fixed the date and attended to all other

matters connected with it. This control by the party led to bad results in some cases, and it has been changed in Missouri and many other states, so that all primaries are now held under government control in much the same way as regular elections. In Missouri, the primaries of all parties for the nomination of county, district, and state officials are held on the first Tuesday of August before a general state election.

Elections. — Elections for the choice of county, state, and national officials are held every even-numbered year on the Tuesday after the first Monday in November. Elections for city and school officials are held on the first Tuesday in April in each year.¹ The difference in the dates is due to the desire to keep state and national party politics out of city and school elections, where they should not appear. The places at which persons vote are called *polling places*. Officials called *judges* and *clerks* are appointed for each election to receive and count the *ballots*. A ballot is a piece of paper upon which are printed the names of all candidates nominated by a political party. The ballots used in county, state, and national elections are printed by the county clerks of the different counties, who furnish a sufficient supply to the officials at each polling place. Secrecy is necessary, so that the voter may be free to vote for whom he desires. Hence the voter is given the ballots of all the parties and may go into a private booth to make his choice. If he wishes to

¹ In St. Louis, Kansas City, St. Joseph, and cities with commission government, city elections are held once in every two years.

vote for all the candidates of one party, he hands the ballot of that party to the receiving judge. He may, however, strike out the name of any candidate and write in another name.

The election takes place as a rule between the hours of six in the morning and seven in the evening. At the close of the election the votes are counted by the judges and clerks, who make an official list of the number of votes cast for each candidate. The results from the different polling places are *canvassed*, that is, are added together, and the candidate receiving the highest number of votes for an office is declared elected. The canvass of the votes is made by the city clerk in city elections and the county clerk in county elections. In the case of state and national offices each county clerk sends the total vote of his county to the secretary of state, who finds the total for all counties and announces the result.

SUGGESTIVE QUESTIONS

What are political rights? Name the most important political rights.

What is a public official? Why are officials necessary? In what different ways are they chosen? Which plan is generally used in the national government? Which in the state and local governments?

Give the name of one appointed official and one elected official in your city; in your county; in the state; in the national government.

Who has the right to vote in Missouri? Why is there an age requirement for voters? What is the reason for a residence requirement?

Should an alien have the right to vote? Should a woman have the right to vote? Should a voter be able to read and write?

What is registration? Why is it necessary? Is it required in your city or county?

What is a nomination? Explain the different methods of making nominations. How are state and county officials nominated in Missouri?

When are county, state, and national elections held in Missouri? When are city and school elections held? Why are elections held on different dates?

What is a ballot? How are ballots prepared?

Describe the manner of voting. Why is it secret?

How are the votes counted? How is the result of an election determined?

PART II

LOCAL GOVERNMENT

CHAPTER V

THE COUNTY

Nature and Kinds of Local Government. — Local government is separated from state government in order that the people of local communities may have a more direct control over certain matters. If the state government attended to everything, the same laws and policies would be adopted for all sections of the state, though the interests of such sections would be quite different in some cases. With distinct local government, the people of each community have the right in certain matters to adopt their own plans and carry them out through officials elected by themselves. If the matter is one which is of general interest to the entire state, the action of the local officials should be subject to the control of some state officials.

In providing for local government, it has been found desirable to create several classes of units, differing in size, population, and purpose. Missouri is divided into counties, townships, school districts, cities, towns, and villages.

The Origin of the County. — The largest division of local government is the *county*. Its origin can be traced back to England, from which most of our forms of government have come. England is divided into a number of counties, in each of which there is a government to attend to matters of special interest to the people of the county. When the English established colonies in America, this county government was brought into Virginia and other colonies. It was later carried into the western territories, and obtains to-day in most of the American states.

The County in Missouri. — When the territory of Missouri was first organized, only five counties were created. These were large in area but small in population. As the population increased and the country became more thickly settled, these counties were divided and subdivided. When Missouri became a state in 1821 there were 15 counties. To-day there are 114 counties besides the city of St. Louis, which is not included in any county but is treated as one. These counties vary in size from Worth county, with 270 square miles, to Texas county, which contains 1145 square miles. The average area of Missouri counties is about 600 square miles. The boundaries of counties were fixed by the state legislature, but they cannot be changed without the consent of a majority of the voters of all the counties affected by the proposed change.

Some place in each county is selected as the *county seat*, or headquarters of the government of the county. At the county seat are located the courthouse, usually

containing the offices of county officials, and the county jail for prisoners who are awaiting trial or who have been sentenced to imprisonment as a punishment for crime. As all the people of the county have business at the county seat, it should be located where it can be most easily reached by the greatest number of people. Its location cannot be changed except with the consent of two thirds of the voters of the county.

County Officials. — In the early history of Missouri there was no need for many officials in a county, as each official could attend to a number of different matters. As the population of a county increased, its public business became greater and more officials became necessary, so that each could attend to a single class of duties. The legislature fixes the number and kinds of county officials, the way they shall be chosen, and their term of office. It also defines their powers and duties, and no county official can lawfully exercise any authority which has not been given to him.

The county court is the chief county authority. The other county officials are the clerk of the county court, clerk of the circuit court, recorder of deeds, sheriff, coroner, prosecuting attorney, assessor, collector, treasurer, surveyor, highway engineer, school superintendent, school textbook commission, judge of the probate court, and public administrator. In a few counties some additional officials are chosen.¹ In those counties

¹ In Buchanan and Jasper counties there is a county auditor, elected for a term of four years, who examines all claims against the county and keeps accounts of all county officials who receive or pay out money. In Jackson county there is a county marshal, elected for a term of four years.

which have adopted " township organization " there is no county assessor or collector.¹

Election of Officials. — At first all county officials were appointed by the governor of the state. As the demand for local self-government grew, this plan was gradually changed to that of election by the people of the county. This is the general rule to-day. The governor still has the power of appointing most of the county officials in case of vacancies, but such appointees hold office only until the next county election. In some states those county officials who attend to matters for the state government, such as taxation, execution of the laws, etc., are subject to the control of the governor, who can remove them if they do not perform their duties. This is not the rule in Missouri, and as a result the laws of the state are not always enforced uniformly in all counties.

Term of Office. — Until a few years ago most county officials held office for a term of two years. The short term made it possible for the people quickly to get rid of a poor or corrupt official. On the other hand, the term was too short for the official to give good service, as he could not make himself well enough acquainted with the duties of the office. As a result, the term was increased for different offices from time to time, until to-day all county officials hold for a term of four years except the prosecuting attorney and two members of the county court, who have two-year terms, and the county highway engineer, who holds office for only one year.

¹ For an account of township organization see page 46.

Under the law certain officials cannot be reëlected to succeed themselves, and in practice few county officials hold for more than two terms. This is due to the demand for "rotation in office," which means that all persons should be given a chance to hold public office. The rule makes it impossible for a county to keep a good and efficient official long in office.

Compensation. — The compensation, or pay, which a county official is to receive for his services, is fixed by the legislature, but varies with the wealth or population of the county and the nature of the office. Some offices take up all the time of the officials, while in others the officials need to act only at certain times. Two general methods of compensation are provided, — *salaries* and *fees*. A few officials receive an annual salary. In the case of the county treasurer this is fixed by the county court, while the salary of the county school superintendent varies with the population of the county. In the case of other officials the salary is a *per diem*; that is, a certain amount for each day of service. Thus, for example, each member of the county court is paid five dollars for each day's attendance upon a meeting of that body.

Most of the county officials are paid under the fee system or a combination of a small salary and fees.¹ Such officials receive certain amounts called fees for many of their official acts, and keep such payments as

¹ The prosecuting attorney receives, in addition to his fees, an annual salary which varies according to the population of the county. In a few counties he receives a salary without fees.

compensation for their services. At first the official kept all fees, and in some cases, where the business of the office became very great as a result of increase in population, the compensation of the official was much larger than in other counties. Hence the law now fixes the total amount of fees which can be kept by the official, and compels him to pay the surplus into the treasury of the county.¹

Composition of the County Court. — The most important public authority in the county is named the *county court*. It consists of three members, one of whom is called the *presiding judge*, and the other two, *associate judges*. The presiding judge is elected by the voters of the county for a term of four years. For the purpose of electing associate judges, the county is divided into two districts. The voters within each district elect one associate judge, who serves for a term of two years. This division of the county into districts is intended to prevent the election of all the judges from one part of the county.

The county court is not, as one might suppose from its name and the names of its members, a judicial body. It has a few simple judicial matters to attend to, but most of its business is executive in character. It is not called upon to interpret the law or settle disputes. Its duty is rather to execute or carry out the provisions of laws made by the legislature of the state. It manages the affairs of the county in much the same way as the

¹ In Buchanan, Jackson, and Jasper counties most of the county officials receive an annual salary, and pay all their fees into the county treasury.

school board attends to the business affairs of the school district. In many states such a body is known as a board of county commissioners. It derives the name of a court in Missouri from the fact that when it was first created it acted as a probate court and attended to other judicial duties which to-day are performed by other bodies.

Powers of the County Court. — The county court attends to the business affairs of the county. It authorizes expenditures for the county, and must provide taxes to raise money for the payment of bills. No account can be paid until it has been examined by the county court. If the bill is found to be correct, it is approved by the county court, and the county clerk then issues an order for the amount which shall be paid by the county treasurer.

The county court attends to the construction of the courthouse and all other county buildings, and has charge of them. It assists the poor persons of the county, and usually builds and maintains a county poorhouse or infirmary for their benefit. It attends to the investment of the county and other local school funds.

The county court has important duties in connection with the roads and highways of the county (page 43). It provides for the opening of county roads and for the building of bridges across streams. The permission of the county court must be obtained by railroads, telegraph and telephone companies, and the like, which wish to use the county roads in any manner.

The county court appoints minor officials and employees of the county, has duties to perform in connection with elections and the selection of men to serve on juries, exercises control over the acts of some of the county officials, and has a general superintendence over the affairs of the county.

In a few of the larger counties the county court meets at least once in each month. In other counties a meeting must be held at least once in every three months, but the court may and usually does hold frequent special meetings.¹

County Clerk. — The clerk of the county court, or, as he is usually called, the county clerk, is the secretary of the county court. He attends all of its meetings and keeps a record of its proceedings or official acts. Any one who wants to know of any action of the county court may get the desired information at the office of the county clerk.

The county clerk has many other duties to perform. As we have seen, he prepares the ballots and attends to other matters in connection with primaries and elections (pages 28, 29). He also has duties in relation to the assessment and collection of taxes, issuance of licenses, division of the school money among the school districts, and other matters which have been assigned to him by the county court or the state legislature.

Circuit Clerk and Recorder. — The clerk of the circuit court, or, as he is usually called, the circuit clerk,

¹ Any one who has business to bring before the county court may come to its meeting and present the same or have it presented by the county clerk.

is the secretary of the circuit court, which is held in each county of the state (page 137). He keeps an account of the trials which take place and the judgments which are made by the court. He issues all legal papers which are necessary to bring prisoners or witnesses before the court or to execute its judgments.

The recorder of deeds keeps a record of all deeds, mortgages, and other documents having to do with the title or ownership of property. His books and other records are usually kept in a fireproof vault, and are open to the public. Any one who wishes to buy real estate can find from these records whether the person who wishes to sell it owns or has a good title to the property. It is the duty also of the recorder to issue and keep a record of all marriage licenses. The law does not permit any one to perform a marriage ceremony unless a marriage license has been secured. The license will not be issued without the consent of a parent or guardian except where the persons to be married are of age; that is, eighteen years in the case of the woman and twenty-one in the case of the man.

When Missouri became a state, the circuit clerk was also recorder. As the business of the two offices increased, the law permitted the county court to provide for the separation of the two offices. They cannot be separated in counties containing a population of less than 10,000. In fact they are united in only a few of the counties of the state.

Sheriff. — The office of sheriff is one of the oldest county offices, going back one thousand years in English

history, when the sheriff was more important than all the other officials of the county. While his power is not so great to-day, he is still more important than any other single county official.

It is the duty of the sheriff to keep peace and order in the county and to arrest, that is, take in charge and place in the county jail if necessary, all offenders or persons who are charged with the violation of a law. The sheriff appoints several deputy sheriffs to assist him in his duties, and has the right to call upon any one to help him in preserving the peace.

The sheriff has important duties to perform in connection with the circuit court and other courts of the county (page 137). He notifies jurors, witnesses, and other persons whose attendance in court is required; preserves order in the court room, and executes, or carries out, the orders, decrees, and judgments of the court. He has charge of the county jail and prisoners.

Coroner. — In early days in England the office of coroner was closely related to that of the sheriff. A trace of this relationship is to be found to-day in the fact that the coroner must act as sheriff when for any reason the sheriff cannot perform his duties. The chief duty of the coroner is that of inquiring into cases of sudden death which are or may have been caused by another person. In such cases the coroner calls together six men to act as a coroner's jury and investigate the death. If they find that a crime has been committed and indicate the criminal, the coroner takes steps to secure the arrest of such person.

Prosecuting Attorney. — When it is claimed that a person has committed a crime, a trial is held to determine his guilt or innocence. He has an attorney who seeks to prove that he is innocent. The prosecuting attorney is an official who represents the state in such a trial. If he believes the person is guilty, he tries in every way to prove it and have him convicted and punished.¹ The enforcement of the laws of the state in any county will depend largely upon the ability and character of the prosecuting attorney. If he is active and impartial in performing his duties, law and order will be observed. If, on the other hand, he neglects his duty or fails to prosecute offenders on account of friendship, or for political or other reasons, illegal acts will become common and the law will be held in contempt. In the city of St. Louis the prosecuting attorney attends only to the minor criminal cases. The more important matters are left to an official known as the circuit attorney.

The prosecuting attorney is also the legal adviser of the county court and other county officials, and acts as the attorney of the county in civil suits before the courts. In counties having a population of more than 75,000 a special county counselor may be appointed for such purposes.

Assessor, Collector, and Treasurer. — The county assessor and county collector have to do with taxation for local and state purposes. Their powers and duties will be considered in Chapter XII, dealing with Rev-

¹ For the proceedings in a criminal trial see Chapter XV.

enue and Expenditures. The treasurer receives all money due to the county from the county collector and other sources. It is his duty to keep the money and to pay it out as ordered by the county court. For every payment which he makes he must have a *warrant*, or order signed by the proper officials of the county court. The county clerk keeps a record of all moneys received as well as those ordered paid out, and in this way a check is kept upon the acts of the treasurer. In order to insure the safe keeping of the money of the county the treasurer is required to have a number of persons give a bond, or an agreement to pay the county for any loss due to the failure of the treasurer to perform his duties. In former years the treasurer was allowed to put the county's money in banks and receive interest for its use. Under the law at present the money is deposited in the bank or banks which agree to pay the highest interest for its use, and the interest money goes into the county treasury.

Surveyor. — If any person is uncertain about the exact boundaries of his farm or city lot, or if two persons have a dispute over a boundary, the county surveyor will make a survey which will be official legal evidence of the correct boundaries. He makes similar surveys when directed by the county court. In counties which do not have a county highway engineer, the county surveyor performs the duties of that office regarding county roads, bridges, etc.

Highway Engineer. — The office of county highway engineer is a new one which was created in order to

secure better roads. The engineer is appointed by the county court for a term of one year, and must have a knowledge of road and bridge building. The county court divides the county into road districts and appoints a *road overseer* for each district for a term of one year. The road overseer keeps the roads in repair and attends to the building and repair of bridges and culverts in his district. Under the old system the road overseers had practically full power, and as most of them had little if any knowledge of road building, the results were bad. Now they act under the direction of the county highway engineer, who is able to plan and carry out a system of good roads for the whole county.

In Buchanan, Jackson, and St. Louis counties, the county surveyor is also county highway engineer. This may be the case in any county if the surveyor is qualified and the county court appoints him to the other office. The law permits a county to abolish the office of county highway engineer if a majority of the voters wish this done. In such case the county surveyor acts as county highway engineer, with such powers over the roads as the county court may give him. Certain territory in the county may be organized into special road districts. Such districts are under the control of a board of commissioners. Revenue for road improvement in special road districts is secured by taxation, loans, special assessments, etc.

School Superintendent and Textbook Commission. — The school superintendent and school textbook commission have duties in connection with the public schools

of the county. Their acts will be discussed in Chapter XIII, dealing with the system of public education in Missouri.

Probate Judge and Public Administrator. — The probate judge and public administrator have duties in connection with the property of persons who have died. The law permits a person to make a *will*, or written statement indicating the persons to whom his property shall go after his death, and appointing an *executor*; that is, some person to carry out his wishes. If one dies without having made a will, the law provides for the transfer of his property to his relatives. In such case there is appointed an *administrator*, who is a person to have charge of the property until it is transferred to the relatives. The probate judge appoints administrators and controls their acts and accounts as well as those of executors. He decides all disputes which arise regarding wills or the right to the property of deceased persons. In appointing administrators the probate judge must select relations of the deceased person. If there are no relations or they are not willing to serve, the public administrator will take charge of the property.

In addition to these duties, the probate judge appoints *guardians*; that is, persons to have charge of the affairs of *minors*, or children under full age, who were left without protection. He does the same for insane and other persons who are unable to manage their own property. Guardians act under the control and orders of the probate judge.

SUGGESTIVE QUESTIONS

Why is it important to have local government? Name the different kinds of local government.

Where did the county have its origin? Give the number of counties in Missouri in 1821; the number to-day.

What is the average size of a Missouri county? What is the size of the county in which you live? What is its population?

How were county boundaries determined? How may they be changed?

What is a county seat? Name the county seat of your county. Is it well located?

How are most of the county officials chosen? What change has taken place in the terms of most county officials? Why?

What different methods are provided for paying county officials? Which is the better method?

Make a list of the officials of your county, and give their terms and compensation.

Who compose the county court, and how are they chosen? Name the principal powers of the county court.

Explain the principal duties of each of the county officials.

Are the offices of circuit clerk and recorder combined in your county?

What control is kept over the county treasurer?

In what bank or banks is the money of your county deposited? What is the rate of interest paid on such deposits?

Are the offices of surveyor and highway engineer combined in your county? Do you have good roads? How are they improved?

CHAPTER VI

THE TOWNSHIP

Nature of the Township. — We have seen that the average size of a Missouri county is about 600 square miles. This area is too large for certain purposes of local government. Many people live a great distance from the county seat, and desire to have direct control over some matters. Hence the county is divided into a number of districts known as townships. Townships differ in kind and purpose. In Missouri we must distinguish among three classes, — the *municipal township*, the *incorporated township*, and the *congressional township*.

The Municipal Township. — The municipal township is an area of local government, but it does not have many matters to attend to. The voters of the township elect at least two *justices of the peace* for a term of four years and a *constable* for a term of two years. These officials have duties in connection with peace and order and the administration of justice, which will be discussed in Chapter XV, dealing with the judicial department. The municipal township is also used as a subdivision of the county for elections and other purposes, but it has no matters of its own to attend to, nor does it possess any buildings or property of any kind.

The county court divides the county into municipal townships, and may change their boundaries from time to time.

The Incorporated Township. — The township has never been an important division of government in Missouri, and the municipal township is the kind which obtains in all but a few counties. In New England, on the other hand, the county is not of much importance, and most of the business of local government outside of the cities is attended to by townships. In the middle and northwestern states the county government is important, but some of its affairs have been turned over to the townships into which the county is divided. In Missouri, the law permits any county to adopt such a plan if a majority of the voters at any general election vote in its favor. This system is called township organization, and the townships so organized are known as incorporated townships. They have the right to hold property and make contracts. They are given powers in connection with roads and bridges and the assessment and collection of taxes. The county court cannot change the boundaries of incorporated townships without the consent of two thirds of the voters of the township affected by the proposed change.

The incorporated township has more officials than the municipal township. In addition to the justices of the peace and constable, there are : a *township trustee*, who is also treasurer ; a *township board of directors* consisting of the township trustee and two other mem-

bers; a *clerk*, who is also assessor; and a *collector*.¹ All the township officials are elected for a term of two years. A county having township organization does not elect a county assessor or county collector, as their duties are performed by township officers. The township board of directors has the same general power over township affairs as the county court has over the affairs of the county. For example, the township board divides the township into road districts and appoints the road overseer for each district. The township trustee and the other members of the board of directors each receive \$1.50 for each day of service. The township clerk receives the same *per diem*, but is also given fees in some cases, while other township officials are paid entirely in fees.

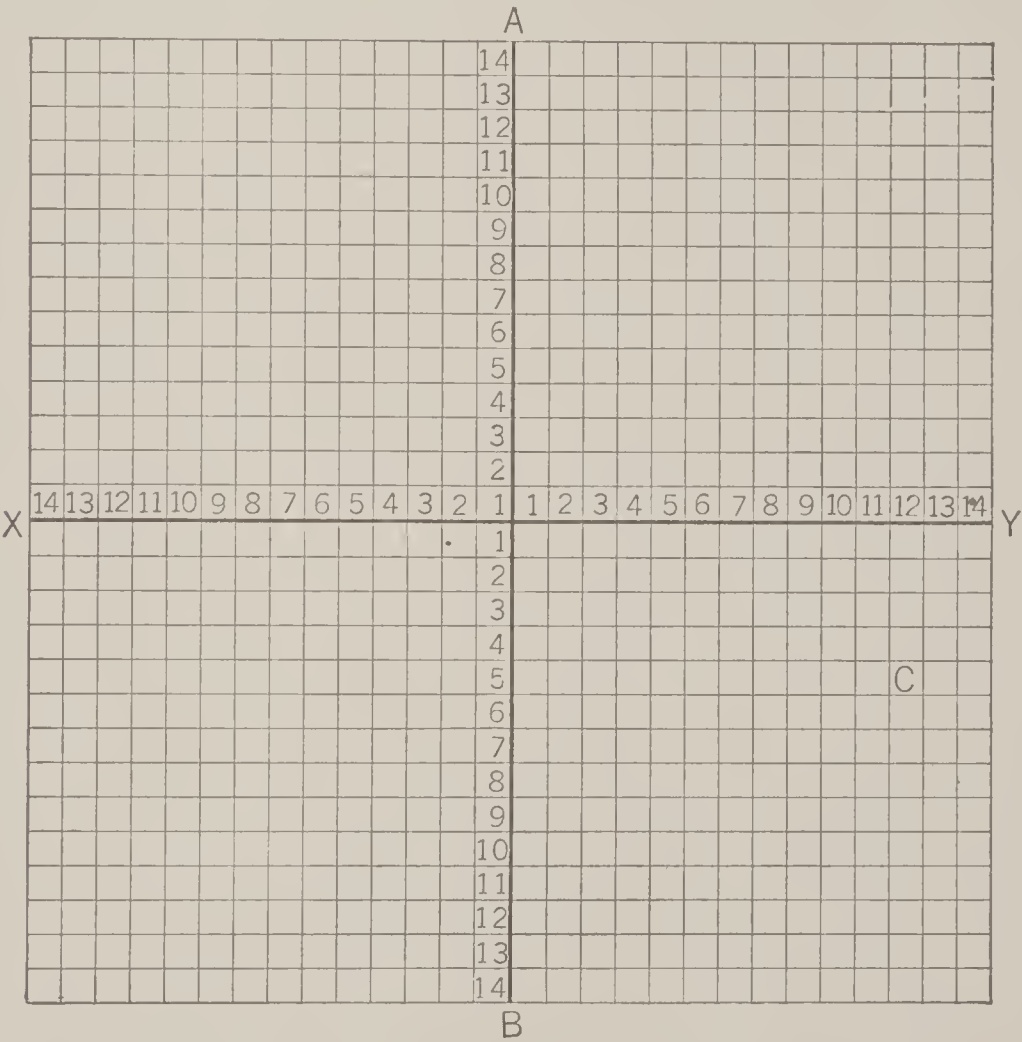
Township organization has never been popular in Missouri, and in 1916 it existed in only 21 out of the 114 counties of the state. While it permits the people of a small district to attend to their own affairs, it is more expensive, and is unpopular on that account.

The Congressional Township. — The congressional townships are not divisions of local government. They have no officials, nor have any political powers been given to them. They were created by Congress a few years after the Revolution. At that time the United States owned large amounts of public land west of the Allegheny mountains. It was the plan to sell

¹ The same person may be elected justice of the peace and member of the board of directors, and the same person may be elected constable and collector.

these lands so that they could be farmed. Before this could be done it was necessary to survey the lands ; that is, adopt some method by which boundaries could be fixed and described, so that one would know what lands he bought.

The plan adopted is illustrated by Plan I below. First a line, marked *AB* in the plan, was surveyed, or



PLAN I

run, from a definite point north and south. This line was called a *principal meridian*. Another line, *XY*, which was run east and west at right angles to the principal meridian, was called the *base line*. Other north and

south lines called *range lines* were run six miles apart on each side of the principal meridian, while east and west lines called *township lines* were run the same distance apart on each side of the base line. In this way all the land was divided into districts six miles square. These squares, each containing 36 square miles, are called congressional townships.

In Plan I the numbers on the principal meridian (AB) indicate the township lines, while those on the base line (XY) mark the range lines. Each of the squares represents a township. The location of a township is described by the position of its range and township lines. For example, the township marked C in Plan I is township 5 south, range 12 east. Again, the main campus of the University of Missouri at Columbia is located in township 48 north, range 13 west of the fifth principal meridian. This means that it is in a township whose township line is the forty-eighth north of the base line and whose range line is the thirteenth west of the fifth principal meridian. As each township line represents a distance of six miles from the base line, the actual distance of the north line of this township from the base line is 48 times 6, or 288 miles. In the same way the actual distance of the west line of this township from the fifth principal meridian is 13 times 6, or 78 miles.

Each township was divided into 36 equal parts called *sections*. Hence a section contains one square mile, or 640 acres. Each section is divided into four parts or quarter sections of 160 acres each. The sections in a

township were numbered from 1 to 36, as indicated in Plan II, which represents township 48 north, range 13 west of the fifth principal meridian. The *U* on Plan II marks the position of the campus of the University, which is in the northeast quarter of section thirteen.

The relation between congressional townships and governmental townships is to be found in the fact that in some

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	<div>U 13</div>
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

PLAN II

cases the governmental township, that is, a municipal or incorporated township, is given the same boundaries as a congressional township. This has not been done in many counties in Missouri, the governmental township being generally larger than the congressional township. While a congressional township may cross county boundaries, this does not occur in the case of municipal or incorporated townships.

The School District.—The school district as a division of local government will be considered in Chapter XIII, dealing with Public Education.

SUGGESTIVE QUESTIONS

Why is the county divided into townships? Who makes the division?

How many townships are in your county? Name them. What is the average size of these townships?

What is the general difference between a municipal and an incorporated township?

Name the officials of a municipal township. How are they chosen, and for what term? Explain the chief duties of such officials.

How may incorporated townships be provided in any county? Do they exist in your county?

What powers are given to an incorporated township? Give the names of its officials. Give the term and duties of each of such officials.

What is the chief advantage of township organization? What is the chief objection to this system?

For what purpose was the congressional township created? State its size, and explain how it was created.

Compare the size of congressional and municipal townships in your county.

Explain the division of a congressional township into sections.

Draw a map of the congressional township in which you live, showing the divisions into sections and quarter sections.

CHAPTER VII

CITIES, TOWNS, AND VILLAGES

How Cities Arise. — If all of the people in a state lived upon farms, there would be no need of any kinds of local government except the county, township, and school district. These could furnish all necessary protection for persons and property, and could attend to all other matters needing governmental control or assistance. This was the situation existing in the early history of all states. A change appears when people in a certain district begin to live close together instead of upon farms.

The causes which bring about this change are various, but usually it is connected with business or manufacturing of some kind. A blacksmith shop may be located at a point where it will be convenient for farmers to have their horses shod and their wagons and farm machinery repaired. As many farmers come to this point, a merchant will open a grocery and dry goods store to get their trade. If it is in a wheat country, a flour mill will be built. Houses must be built as homes for the families of the men who are engaged in business and other activities. The carpenter, stonemason, bricklayer, and painter are now needed. A physician and a druggist will soon be attracted to the community. A public school and a church or churches will add to the

settlement. If the settlement is located on a river, it may have a ferry and steamboat traffic, while a railroad will bring more people to the place.

In this way the community will grow until it includes several hundred people. It is then known as a *town* or *village*. As the trade and factories of the village grow, its population increases, and it finally becomes known as a *city*. A city exists wherever a large number of people are living together in a small area. A town or village is simply a small city.

City Government.—In a city the people live close together, so that they may get to the store, factory, school, or church without losing much time. When people live in this manner, their needs are different and more numerous than those which exist among a farming population. Disputes arise more easily under such conditions, and property is less safe. The sheriff and constable cannot be in the city at all times, and disorder would exist if other provisions were not made. Hence cities have a police force to keep peace and protect persons and property at all times. If a farmhouse burns, the fire will not spread to other farms. In a city, where houses are close together, the danger from fire is much greater, and special fire protection must be provided. Much the same is true of public health. In the country districts a little care will protect one against contagious disease in his neighbor's family. In the city, where people are in such close contact, this would not be possible without strict quarantine rules.

While farming districts need good roads, the streets

of a city must be paved and cleaned. Sidewalks must be provided. As water from private wells and cisterns becomes impure in cities, it is necessary to provide a pure and ample supply from other sources. Sewers, lighting, telephones, parks, hospitals, street railways, etc., are also needed. Some of these things can be provided only by the government, and as most of them require the use of the public streets, the consent of the government is necessary where they are carried on by private individuals or corporations. The township or county is not organized so as to be able to attend to such matters. Hence a special government is created in each city, town, or village, to regulate its affairs. The establishment of city government does not remove the people of the city from the county government. They are a part of and subject to both governments. The city of St. Louis is an exception to this rule. It was taken out of the county of St. Louis in 1876. It is treated as a county for many purposes, and elects, in addition to city officials, most of the officials who exist in counties.¹

Charter. — The people of a city or village cannot exercise the powers of city government until they have received permission to do so. As in the case of county government, these powers are granted by the state legislature. The grant of powers is called a *charter*, and a city or village which receives such a charter is said to be incorporated as a municipal corporation. The charter provides for the form of city government,

¹ See list of County Officers in the Official Manual of Missouri.

naming the officials and stating their powers and duties. In former years the people secured a charter by petitioning the legislature, which passed a special act or charter for each city or village. As this led to differences in government among the cities and other evil results, the present state constitution prohibits the legislature from passing such special acts. The legislature now passes general laws or charters for cities, and a community can become incorporated as a city under such charter whenever a majority of its resident taxpayers present a petition for such incorporation to the county court.

Classification of Cities, Towns, and Villages. — The needs of a town or village are not the same as those of a city, and the needs of a large city differ from those of a small city. Hence the legislature can classify cities according to their population and enact a general law or charter for each class. The law now provides for four classes of cities, as follows: first class, those containing more than 75,000 population;¹ second class, those containing 30,000 and less than 75,000 population;² third class, those containing 3000 and less than 30,000 population;³ fourth class, those containing 500 and less than 3000 population.³ In order to

¹ St. Joseph is the only city with a charter of this class. Kansas City and St. Louis have special charters (page 57).

² In 1913, the legislature of Missouri adopted a new charter for cities of the second class which provides for the commission form of city government described on page 66. Joplin and Springfield are the only cities with the population required for cities of the second class.

³ In 1920 there were 319 cities of which about one sixth were in the third class and the remainder in the fourth class.

change from one class to another a city must have the necessary population, and the change must be approved by a majority of the voters at an election held for that purpose.

The state constitution provides that St. Louis or any other city with more than 100,000 population may frame its own charter instead of using the charter provided by the legislature. St. Louis adopted a charter of this kind in 1876, and Kansas City in 1889.¹ There is also a class of towns and villages which contain a population of less than 500. A community may become incorporated as a town or village whenever two thirds of the resident taxpayers present a petition for such incorporation and the county court considers that the petition is a reasonable one.² In addition there are a few cities and towns which remain incorporated under special charters granted by the legislature before this power was taken away from it.

Departments of City Government. — While differences in the needs of large and small cities require differences in their charters, the general form of government provided by these charters is much the same in all classes. The larger cities have more numerous officials, but, as in the small cities, these are divided into the three departments of city legislature, city executive, and city courts.

The City Legislature. — The general policies of the

¹ In 1908 Kansas City adopted a new charter, and St. Louis revised its charter in 1914.

² In 1920 there were 388 towns and villages.

city are settled by its legislative department. Its acts or laws are called *ordinances*. They deal with a large number of matters which affect the people who live in a city, including rules of order, police and fire protection, building regulations, saloon and other licenses, public health, light and water supply, sewers, streets (including construction, repair, cleaning, and sprinkling), sidewalks, cemeteries, parks, and poor relief. City ordinances may grant to private companies the right to use the streets for water, light, telephones, street cars, or any other public purpose, and may regulate the charges to be made by any such company for its services. The city legislature provides for a city hall in which its meetings are held and which contains offices for city officials, a jail, and other needful city buildings. It provides by ordinances for taxes necessary to meet the expenses of the city, and for borrowing money to construct buildings and other public improvements. In all cities ordinances must be approved by the mayor, who is the chief executive of the city. If the mayor does not approve an ordinance, he may *veto*, that is, forbid it, in which case it will not become a law unless passed over his veto by two thirds of the members of the city legislature. In some cases an ordinance before becoming a law must be approved by the voters. This is true of an ordinance for borrowing money, and in some cities of a grant of a *franchise*, or the right to use the streets for any purpose.

The city legislature differs in form and name in different classes of cities. In St. Louis it is known as

the *board of aldermen*, and consists of one house. In Kansas City there are two houses, which are called the upper and lower houses of the *common council*. In all other Missouri cities the legislative body consists of only one house. It is known as the *common council* in cities of the first class; *council* in cities of the second and third classes; *board of aldermen* in cities of the fourth class; and *board of trustees* in towns and villages. It is customary, however, to speak of the city legislature as the city council, regardless of its special name. The members of the city council (city legislature) are elected by the voters for terms which vary from one to four years, the longer terms obtaining in the larger cities. The city is usually divided into districts called *wards*, each of which elects one or more members of the legislative body. In Kansas City, where there are two houses, the members of the upper house are not chosen from wards, but are elected on a general ticket by the voters of the entire city. The same is true of the common council of St. Joseph and the board of aldermen of St. Louis, each of which consists of only one house.

The Mayor. — The chief executive in all cities is a *mayor*, who is elected by the voters for a term which varies in different cities from two to four years. In towns and villages the chief executive is the *chairman of the board* of trustees, who is chosen by the board for a term of one year. The mayor attends to the general execution of city ordinances. He recommends matters to the city council and, as we have seen, has a veto over

its ordinances. The mayor has the power of appointing some of the officials who attend to the affairs of the city, though in most cases his appointments must be approved by the city council, or, if there are two houses, by the upper house. In the larger cities, where the officials are more numerous and important, the mayor's appointing power is greater.

City Officials. — In addition to the mayor there are in all cities a number of officials who attend to the details in the affairs of the city. In most cities the following officials are elected for terms which vary from two to four years: *assessor*,¹ *collector*,² *treasurer*, *attorney*,³ and *marshal* or *chief of police*.⁴ The following officials are usually appointed by the mayor or council or by the mayor with the approval of the council: city clerk, fire chief, city engineer, street commissioner, park commissioner, and city physician or health officer. Inspectors of licenses, plumbing, buildings, etc., are appointed in the larger cities. Where a city owns its water works, light plant, etc., they are placed under the control of an appointive commissioner, superintendent, or board of public works or improvements. In cities whose income and expenses are very large there are an

¹ In Kansas City and St. Joseph the assessor is appointed instead of being elected. Most St. Louis city officials are appointed.

² In Kansas City and St. Joseph the treasurer is also collector.

³ In St. Louis and St. Joseph the city attorney is appointed. In cities of the fourth class the attorney and assessor are appointive, but may be made elective by the city board of aldermen.

⁴ In St. Louis, Kansas City, and St. Joseph the police department is under the control of a board of police commissioners appointed by the governor of the state.

auditor and a comptroller, who look after the accounts of the city and approve claims against it.¹

These cities have also many other officials.² As the voter cannot personally know many of the candidates for city offices, he cannot make wise selections where there are a large number of offices to fill. Hence it is the better rule to reduce the number of elective offices and have most positions filled by the mayor's appointment. Being appointed by and responsible to one man, these officers will work together better than elective officers. The voters will hold the mayor responsible for their acts, and as he wishes to make a good record, he will try to appoint the best men he can secure.

City Courts. — The city courts exist for the purpose of deciding cases in which it is claimed that an individual has violated or disobeyed an ordinance of the city. If a person is not satisfied with the decision of a city court, he can usually *appeal*; that is, have the case brought before a state court. These city courts are held by officials who are known as *police judges*, *judges of the city court*, or *judges of the police court*, and are elected by the voters of the city except in St. Louis, where they are appointed by the mayor. In towns and villages the city police court is held by the chairman of the board of trustees, and the same is true of the mayor in cities of the fourth class unless the board of

¹ In St. Joseph the auditor is elected, while in Kansas City he is appointed by the mayor. The comptroller is elected in Kansas City and St. Louis, but is appointed by the mayor in St. Joseph.

² See the list of Officers of City Governments in the Official Manual of Missouri.

aldermen provides for the election of a police judge. In some cases the city police judge is also a justice of the peace (page 135), *ex officio*; that is, by virtue of his office.

City School Districts. — In some states the city government has charge of the public schools. In Missouri a separate school district is provided for this purpose. This district includes the entire city, but may contain some territory outside of the boundaries of the city. It will be considered in Chapter XIII, dealing with Public Education.

Growing Importance of City Government. — In the early history of the United States city government was of little importance, as there were very few cities and these were quite small. To-day, however, more than half of the total population live in cities, towns, or villages. One city has a population of 5,000,000, and two other cities each exceed 1,500,000 in population. In Missouri, 177 cities have each more than 1000 inhabitants, and 57 of these each exceed 3000 in population. It is clear from these figures that city government has come to be of importance to large numbers of people.

Important City Problems. — The great increase in the size of cities has created difficult problems for city governments. The greater the number of people in a city, the more danger there will be from fire, disease, and crime. Hence better provision must be made for protection from these evils. The same is true of provision for water, light, telephones, and street cars. Though these things may be supplied by private cor-

porations, the people of the city have such a great interest in their management that they have come to be known as *public utilities*. They are necessities without which people could not exist in large cities.

The people of a city should be able to secure satisfactory service in the matter of public utilities. The corporations supplying these things must use the public streets above or below the surface for their pipes, poles, or rails. Hence the city has a right to control such use, so as to prevent injuries to people and damage or obstructions to its streets. It may also wish to preserve the beauty of the city streets by requiring wires to be laid underground or carried through alleys. The city must also see that the charge for the service is not too high, as it is not possible to depend upon competition to keep the rates down. It would be a serious inconvenience to the people if two or more competing corporations were permitted to lay pipes and rails and string wires on the same streets. Finally, the question will arise in some cases of the city's claim to share in the profits as a return for the use of its streets.

Public Service Franchises.—The right or privilege of using the streets of a city for public utilities is known as a *public service franchise*. In many cases the city council, in granting the franchise, has failed to include in the ordinance provisions necessary to protect the interests of the public. In some cases the public service corporations have bribed members of the city council in order to secure franchises which did not contain such provisions.

Municipal Ownership. — Acts of this kind have caused the people to oppose public service corporations, and have led to a strong demand for *municipal ownership*; that is, for the city to own and operate plants to furnish these public utilities. The legislature has passed laws permitting municipal ownership of water works and lighting plants, and many cities have adopted this plan. Municipal ownership has been opposed on the ground that public business is not so well managed as private affairs. Some municipal plants in Missouri have been successfully carried on, while others have been failures on account of incapable or dishonest officials. It must be remembered, however, that public service corporations do not always give good service, and that some public service franchises have led to bribery of city officials.

Reform in City Government. — The fact that some city officials are dishonest, while many more do not give good service, has led to many movements for *reform in city government*. The most important reform is that which has to do with improvement in the civil service; that is, in the character of the executive officials of the city. Most of the officials of the county and township do not need any special qualifications. If they are honest and willing, they can successfully perform their duties. Frequent changes in such offices keep the officials in touch with the people. In cities, particularly in large ones, the duties of officials are much more difficult, and special training is needed. The city is much like a large corporation, and business methods

should be used in its affairs. Most of its officials should be chosen for fitness to do their work, and should hold office as long as they give good service.

At present, many officials lose office after each election on account of political changes. The state and national politics of a man cannot affect his service as a policeman, fireman, official of the city water works, or the like. In some cities this is clearly seen, and such officials are appointed after examinations to test their fitness, and they hold office so long as they give good service. Kansas City and St. Louis have introduced these *civil service* examinations.

Public Opinion. — The best way to secure improvement in city government is to create a strong demand for it among the people; that is, to arouse *public opinion* in this matter. The people will be aroused when it is shown that an official has acted dishonestly. But it is difficult to keep their attention upon matters of city government. Most men are busy with their own affairs and think they have no time for the city government. Aside from the fact that every citizen owes this duty to the city, a man should be interested in the affairs of the city because they are his own affairs. He has a direct personal interest in the things which the city is doing. He should know that impure water and poor light, filthy streets, and disease, vice, and crime, are due in part to his neglect to perform his duties as a citizen. The city can be no better than its citizens. Cities which have succeeded in arousing and keeping alive public opinion have secured good city government.

Commission Form of City Government. — Many people believe that good city government is impossible because the voters do not know what officials are responsible. This is due to the large number of officials who are elected. Where there are two houses of the city legislature, each can claim that the other is to blame. In the same way the mayor can blame the council or other elected officials, and these can claim that the bad government is the fault of the mayor or some official other than themselves. As a result, in some states the city council and all elective officials have been abolished, and their place has been taken by a *commission* of a few men, usually five, elected by the voters of the city. This commission has all the powers of the city council, and all officials are appointed by it. In addition, each member of the commission looks after some division of the city's work. As the commission has full powers, the people can hold it responsible. In 1913 this plan was adopted in Missouri for cities of the second class. Cities of the third class also may adopt this system, and this has been done by a number of these cities.

The *City Manager Plan* is a recent development of the Commission form. Under this plan the commission selects a manager for the city who appoints all other officials and employees and directs them in carrying out the policies approved by the commission. His powers are like those of a general manager of a corporation. In 1921 Missouri cities of the third class were authorized to adopt this plan.

SUGGESTIVE QUESTIONS

Show how cities arise.

How do cities create new needs? Name some of the most important of these needs. How do these needs affect government in the city?

What is the city charter? How is it created? How does a city secure a charter?

Why are there different classes of cities? Name and explain the different classes of Missouri cities.

What is the class of the city in which you live? When was its charter secured? What is its area? population?

What is the name of the legislative department in your city? How many members has it, and how are they chosen? What are some of the matters which it can regulate?

Who is the chief executive of your city? What is his term, and how is he chosen? What are his chief duties? Explain his veto power.

Make a list of the other officials of your city, and give their term and compensation. How many of these officials are elected?

Why do we have city courts? Who holds the city court in your city?

Why is city government growing in importance? Name some of the chief problems of cities.

What is a public service franchise? Is there any in your city?

What is meant by municipal ownership? Does it exist in your city? Give arguments for and against municipal ownership.

What reform is needed in the civil service of cities? Why?

How may public opinion affect city government? Why is it difficult to keep public opinion aroused? Why should a man be active in city affairs?

What is meant by the commission form of city government? What is its chief advantage?

Explain the city manager plan.

What improvements are needed in your city and its government?

PART III

STATE GOVERNMENT

CHAPTER VIII

THE STATES

Origin of American States. — In order to understand how American states came into existence, we must turn to the early period of American history. A number of European nations made discoveries and settlements in America. The English settlements, or colonies as they were called, were in North America along the Atlantic coast. Each colony had its own government, with its executive, legislative, and judicial department, as well as local officials. The people of the colony had a voice in making the laws, but in most of the colonies the executive and the courts were controlled from Great Britain. Some of the laws of the British government were considered unjust and oppressive, and were opposed by the thirteen colonies. When Great Britain tried to enforce these acts, the colonies sent representatives to a Continental Congress to decide on a course of action. This body adopted the Declaration of Independence, proclaiming that “these United Colonies are, and of right ought to be, free and independent

states.” The Revolution which followed changed the colonies into states. When a government of the United States was formed, these states gave up certain of their powers to the national government. The way in which this was done will be shown in Chapter XVI, dealing with the Constitution of the United States.

Admission of New States. — At first there were only thirteen states in the American Union. At this time, as we have seen, the national government owned a large amount of land west of the Allegheny mountains, which was not included within any of the thirteen original states. The government wished to sell this land and urged people to settle upon it. As the population grew, the national government divided the land into districts called *territories* and provided a government for each territory. The form of this government was similar to that which existed in the states, except that the governor and judges were appointed by the national government. As soon as the territory had a sufficient population to carry on a state government, it was admitted by the national Congress as a state into the Union. As the national government acquired additional lands, it created new territories and admitted new states. To-day there are 48 states in the Union. All the territories have been admitted except Alaska, Hawaii, Porto Rico, and the Philippine Islands.

How Missouri Became a State. — In 1803 the United States bought the vast colony of Louisiana from France. This was divided into two districts, of which one, known as Upper Louisiana, included what is now

Missouri. In 1804 this district was given a territorial government under the name of Louisiana. As the population increased, the people were given a larger share in the government. In 1812 the name was changed to Missouri, and in 1820, after reducing it in size, the national Congress gave the people of this territory the right to organize a state government. This government was approved by the national government, and the state was admitted into the Union on August 10, 1821.

The Forty-eight States. — Of the 48 states in the Union, 35 have been admitted since the national government was formed. Most of these were admitted after having had a territorial government like that of Missouri. Vermont, Kentucky, Maine, and West Virginia were separated from other states, while Texas and California were admitted as states, without having had any previous territorial government.

Rhode Island, with an area of 1248 square miles, is the smallest state, while Texas, the largest, has 265,896 square miles. Missouri, with 69,420 square miles, ranks eighteenth in area among the 48 states. In 1920 New York, with the highest rank in population, had 10,385,227, while Nevada, the lowest, had only 77,407. Missouri was the ninth in rank, with 3,404,055.

The differences among the states in area and population, as well as in climate, resources, and industries, have caused their governments to differ in certain matters. In fundamental features, however, the gov-

ernment is the same in all the states, and represents a development from that which existed in the colonies and earliest states. In all the states there is a separation of the government into the three departments of the executive, legislature, and judiciary. The chief executive in each state is a governor elected by the people, and the legislature everywhere consists of two houses. In practically all the states the law which the judiciary interprets is the common law, which had its origin in England and was brought to America in the colonial period.

SUGGESTIVE QUESTIONS

Where do we find the origin of American states?

How did the colonies become states?

How were new states created?

What was the original form of government in Missouri?

When was Missouri admitted as a state?

Name the smallest state in the Union; the largest state. Give the area of Missouri.

Name the state with the smallest population; with the largest population. What is Missouri's rank in population?

In what important features of their government do all the states agree?

CHAPTER IX

THE STATE CONSTITUTION

Origin of the State Constitutions. — Every American state has a *constitution*, which is a written document fixing the fundamental organization of the government. The idea of a constitution came from the written charters which most of the colonies had received from the king of England. These charters fixed the boundaries of the colony, and provided for its government and the rights of its inhabitants. As the king at this time had supreme power in such matters, the charter became the highest law of the colony, and if the governor or any official acted contrary to this law, his act was illegal. Some of the colonies were later forced to give up their charters, but they were able to keep the same general form of government. When the colonies became independent states, the people wished to have a written law at the basis of their governments. In two of these new states, Connecticut and Rhode Island, the old charters were so good that they were kept with very little change. In the eleven other states constitutions were adopted soon after the Revolution. In each of the 35 states which have been admitted by Congress, a similar state constitution has been adopted.

Nature of the Constitution. — With the exception of the Constitution and laws of the United States, which

will be discussed later, the state constitution is the highest law of the state. It fixes the fundamental organization of the government, and names the rights which are given to individuals against this government. As the constitution is the highest or supreme law of the state, no official or department of the government can do any act which it forbids. Any act of this kind is said to be *unconstitutional*, or illegal. An unconstitutional law is one which is opposed to the constitution and hence is no law, but merely an illegal attempt to make a law. When the legislature passes such an act, an individual whose rights are affected by it may take the matter to the courts, which will declare the act unconstitutional and void; that is, of no effect.

The early state constitutions were short documents which dealt only with the most important matters and left details to be regulated by the legislature. In the course of time the people felt that other matters should be put into the constitution, and as a result the documents are much longer. The first constitution of Missouri contained about 10,000 words, while the present constitution, adopted in 1875, contains over 25,000 words. Some of the constitutions of the newer states, as that of Oklahoma, contain about 50,000 words.

Constitution of Missouri. — The constitution of Missouri, which is similar to that of most of the other states, consists of fifteen Articles or principal parts, with the following titles: —

Article I, Boundaries. — This marks out the territory within which the power of the state is exercised.

Article II, Bill of Rights. — This secures rights for the individual against the government. It includes those personal and property rights which were discussed in Chapter III.

Article III, Distribution of Powers. — This provides for the separation of the government into the three departments, — legislative, executive, and judicial.

Article IV, Legislative Department. — This provides for the organization and powers of the legislature, including the way in which laws must be passed.

Article V, Executive Department. — The election, term, powers, and duties of the governor and chief executive officials.

Article VI, Judicial Department. — The division of judicial power among different grades of courts, and the organization and powers of each grade.

Article VII, Impeachments. — If the governor or any other important official is guilty of high crimes or misconduct, he may be *impeached*, that is, accused by the house of representatives, and if convicted by a two-thirds vote of the senate, he will be removed from office.

Article VIII, Suffrage and Elections. — This deals with the subjects discussed in Chapter IV.

Article IX, Counties, Cities, and Towns. — This defines the powers of the legislature in providing for local government.

Article X, Revenue and Taxation. — This deals with the important subject of state and local income, which will be discussed in Chapter XII.

Article XI, Education. — This will be discussed in Chapter XIII.

Article XII, Corporations. — This has to do with the creation and regulation of corporations, such as banks and railroads.

Article XIII, Militia. — The military organization of the state.

Article XIV, Miscellaneous Provisions. — Forbids duels and lotteries, and contains various provisions regarding officials.

Article XV, Mode of Amending the Constitution.

Amendment of the Constitution. — While the constitution deals with fundamental matters, its rules cannot remain the same at all times. As the state grows in population, new conditions arise, and the constitution may prevent the legislature from making proper laws for such matters. It may be necessary to increase the rate of taxation, add to the number of judges of a state court, or provide for other needs. Hence the constitution must be *amended*, or changed, so as to permit the doing of such things. As the law of the constitution is the highest law of the state, it should not be amended in the same way as ordinary laws made by the legislature.

An amendment to the constitution of Missouri may be proposed by a majority vote of each house of the legislature. Then it is printed in the newspapers in order that the voters may understand it. If the amendment receives a majority of the votes cast upon it at the election, it is adopted as a part of the constitution.

Of one hundred and two amendments to the present constitution which have been submitted, thirty-five have been adopted by the voters. Another method of amending the constitution, known as the initiative and referendum, was adopted in 1908, and will be explained in the next chapter (page 88).

Revision of the Constitution. — In the course of time the constitution as a whole or in many of its parts may not suit the new conditions in a state. In such a case there must be a revision; that is, such a general change of all the articles as will amount to the adoption of a new constitution. In order to revise the constitution, there must be a constitutional convention, a body of men chosen by the voters for that purpose. When the legislature thinks a revision is needed, it has the people vote upon the question of holding a constitutional convention. This must be done at least once in every period of twenty years. If a majority vote in favor, the members are elected by the voters, two being chosen from each senatorial district (page 80), and fifteen from the state at large, or eighty-three in all. The first constitution of Missouri was adopted by a constitutional convention in 1820. Three other constitutional conventions have adopted constitutions since that time — in 1845, 1865, and 1875. As the constitution of 1845 did not receive a majority of the votes when submitted to the people, it did not become law. When the constitution of 1820 was adopted, the law did not require it to be approved by the voters. Beginning with 1845, however, it has been the rule in Mis-

souri, as in most other states, that the constitution, after being revised by the constitutional convention, must be ratified or approved by a majority of the voters.

The present constitution of Missouri was adopted in 1875. Great changes have taken place in the state since that time, and the old constitution does not entirely satisfy the new needs. The many amendments submitted prove that this is true, and show that a revision is necessary. On this account the voters authorized a Constitutional Convention to meet in 1922. This convention may adopt amendments or a new constitution, which in either case must be submitted to the voters for their approval.

SUGGESTIVE QUESTIONS

What was the colonial charter, and how was it granted? How did it influence the adoption of state constitutions?

What is the relation of the state constitution to the state government? What is its relation to individuals?

What is meant by an unconstitutional law? How is a law declared unconstitutional?

How do present constitutions differ from the early constitutions? Why has this change taken place?

Name some of the important articles in the Missouri constitution.

Why is it necessary to amend the constitution? How may the constitution of Missouri be amended? How many amendments were voted on at the last election?

How does revision differ from amendment of the constitution? How may the constitution of Missouri be revised?

When was the present constitution of Missouri adopted? How many amendments have been adopted?

CHAPTER X

THE STATE LEGISLATURE

The Two Houses. — As we have seen, the government of the state is divided into the legislative, executive, and judicial departments. The legislative department in Missouri is called the *general assembly*, and, as in all other states, is composed of two houses. These houses are known as the senate and house of representatives.

Time and Place of Sessions. — The general assembly meets at Jefferson City, which is the state *capital*, or seat of government, at which the governor and other state officials have their offices. These offices and the meeting-places of the legislative houses are in the *capitol*, or principal public building of the state. In 1911 the capitol of Missouri was destroyed by fire, but a new one that cost \$3,500,000 was constructed and was occupied for the first time in 1917.

A *regular* session or meeting of the legislature is held once in every two years, the session beginning on the Wednesday after New Year's in odd-numbered years. The governor may call *extra* sessions at other times for such matters as he may wish the legislature to consider. The two houses must agree in order to fix the date for *adjournment*, or the close of the session.

Pay of Members. — The rule regarding payment of members affects the time for adjournment. The constitution provides that members of each house shall receive five dollars a day for the first seventy days of each session, and only one dollar a day for the remainder of the session.¹ This rule is intended to prevent a long session, and as a result the legislature adjourns soon after the session has lasted seventy days. Each member receives *mileage*, that is, a sum of money for traveling expenses, which depends upon the distance from his home to Jefferson City, and thirty dollars for stationery, etc.

House of Representatives. — The house of representatives is composed of members elected by the voters for a term of two years. As all parts of the state should be represented, it is the rule that the voters of each county shall elect at least one member. Counties with a large population should have more representation than a small county. The constitution provides for this by fixing a *ratio* of representation. The population of the state is divided by 200 to get this ratio. Counties are given representatives according to the number of ratios contained in their population, as follows : —

For two and one half ratios, two representatives.

For four ratios, three representatives.

For six ratios, four representatives.

For eight and one half ratios, five representatives.

¹ In revising sessions the time during which members receive five dollars a day is 120 days. See page 86.

Each county having more than eight and one half ratios is given another representative for each additional two and one half ratios contained in its population.

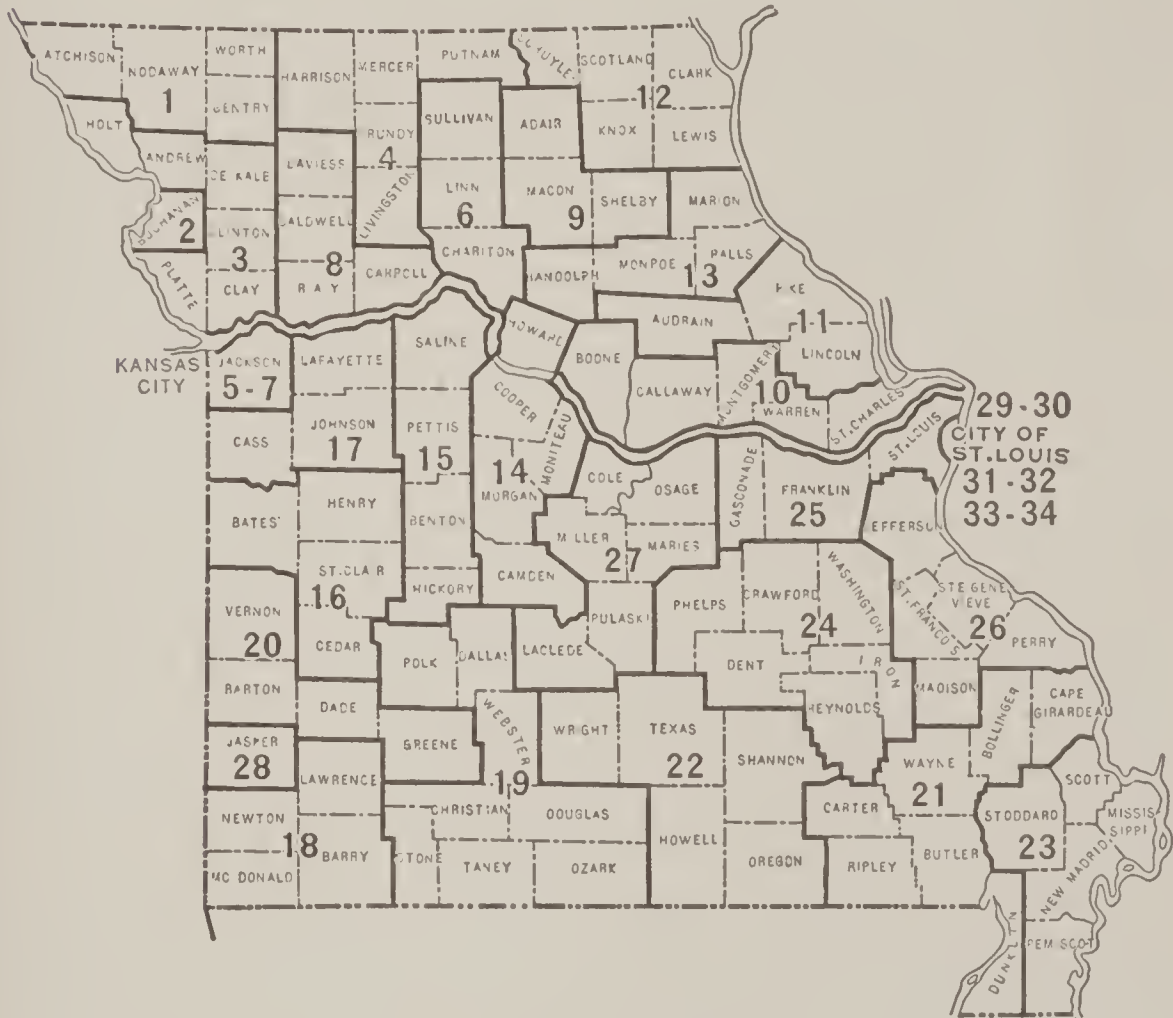
The rule of representation gives the advantage to the smaller counties. Thus 109 counties have each one representative, though their population varies from 7033 in Hickory county to 35,813 in Pettis county. Of the remaining counties, Buchanan, Greene, Jasper, and St. Louis have each 3 representatives; Jackson, 10; while St. Louis city has 19 representatives. For the whole state there is a total of 150 members of the house of representatives.

The division among the counties is usually changed every ten years, after the national census, or counting of the population, has been made.

A county is divided into as many districts as it has representatives, and each district elects one member. St. Louis city is divided into districts, each of which elects not less than two nor more than four representatives.

Senate. — The senate is a much smaller body than the house of representatives. The constitution requires the legislature to divide the state into 34 senatorial districts, each of which elects one senator. This division, or *apportionment*, as it is called, is to be changed every ten years, after the national census. If the legislature fails to make this division, the districts are arranged by the governor, secretary of state, and attorney-general. The constitution provides that the

senatorial districts shall be as nearly equal in population as may be possible. This rule may be evaded by what is known as a *gerrymander*, the districts being laid out in such a manner as to give one political party



SENATORIAL DISTRICTS.

Adapted from Official Manual, State of Missouri, 1909-1910.

an undue advantage over another. Where a district includes two or more counties, they must be contiguous; that is, adjoining one another. As a rule no county can be divided so as to have a part in two or more districts. If a county is large enough to have two or more senators, it must be divided into as many dis-

tricts as it has senators, each district electing one senator. Buchanan and Jasper counties have each one senator, Jackson county has two, and St. Louis city six.¹

Qualifications of Members.—Not every person can be elected a senator or representative. As it is necessary that he shall be old enough to act with judgment, the constitution provides that a representative must be at least 24 and a senator at least 30 years of age. It is also important that a member of the legislature shall have a direct interest in the district which he represents. Hence no one can be a member of either house unless he has resided for one year within the county or district from which he has been elected, and has paid state and county taxes during such period. He must also be a citizen and a voter. Finally, in order to keep the legislature separate from other departments, it is the rule that no national, state, or local official who receives a salary or pay of any kind can be a member of either house of the legislature.²

Officials of the Houses.—Each house, like a debating club or public meeting, must have officials to control the carrying on of its business. The lieutenant governor of the state acts as president of the senate, but the house of representatives elects its presiding officer, who is called the speaker. Each house elects all of its other officials, including a president or a speaker *pro tempore*; that is, one who presides for the time when the

¹ The districts were not changed after the census of 1910 or that of 1920.

² Exceptions are made in the case of officers of the militia, justices of the peace, and notaries public.

president or the speaker is absent. The other officials are a secretary, or chief clerk, chaplain, doorkeeper, sergeant-at-arms, and assistants and clerks.

Committees. — Great care should be taken in making laws. It is not easy to understand such matters, and if every measure is not carefully examined, bad laws may be made. So many bills are brought before the legislature that each cannot be given this care by all members. Hence in each house they are sent to committees, which consist of a small number of members. There are a large number of committees, each of which has sent to it all matters dealing with a certain subject, from which the committee derives its name. Thus there are committees on banks, education, agriculture, appropriations, etc.

The committee holds meetings to which people may come to argue in favor of or against certain measures which have been sent to the committee. The committee, after discussing the measures, makes a report to its house. The report may recommend that the measure be made a law, or may advise its rejection. The majority of a committee belong to the political party which has a majority of the members of the house. Hence the report of a committee has great influence upon the majority, and is usually adopted.

Quorum. — Neither house can consider any measure or do any business unless there is present a *quorum*, or a certain number of members fixed for this purpose. As it is important that a small number should not be permitted to make laws, the constitution of Missouri

fixes the quorum at a majority of the members. A smaller number, however, can take steps to compel absent members to attend.

How Laws are Made. — Any member of either house can prepare and introduce, or submit, a *bill*; that is, a measure which it is proposed to make a law. Any citizen or society may prepare a bill, and can usually get a member to introduce it. The bill is printed so that members may read it, and is sent to its proper committee. The house cannot consider the bill until the committee sends it back with its report. In order to prevent haste in making laws, each bill must come before the house on three different days before being passed. The bill is debated, and amendments may be made to it.

After the debate has been finished, the house votes upon the bill, and if it receives the votes of a majority of all the members of the house, it is passed. It then goes to the other house, where it must go through similar proceedings. If the bill is amended in the second house, it must go back to the first house, which may accept or reject the amendment. If the first house rejects it, the bill is generally sent to a conference committee consisting of members chosen by each house. If this committee agrees upon the measure or a compromise, its report is usually accepted and the bill passed by both houses.

The Veto. — A bill which has passed both houses must go through another stage before it becomes a law. It is sent to the governor for his approval. If

he signs it within ten days after he has received it, or within thirty days, if the legislature has adjourned before the end of the ten-day period, the bill becomes a law. If the governor does not approve the bill, it is his duty to veto it, sending it back to the legislature with his reasons for the veto. In the case of appropriation bills the governor may veto particular items while approving the other parts of the bill. A bill which has been vetoed may be made a law if the legislature passes it over the governor's veto by the votes of two thirds of all the members of each house. If the governor neither signs nor vetoes a bill within the ten-day period, the legislature may declare such bill a law without the signature of the governor.

Lobbying. — Persons who are in favor of or opposed to certain bills may interview committees and members, and submit facts and arguments regarding the bills. This is called *lobbying*, and is not evil, but of benefit, as the legislature needs such information. In some cases, however, corporations employ lawyers and other persons to argue for them. This may be proper if it is known that a lawyer is employed to argue the matter for a corporation. Hence the law requires such a man to make a written statement regarding this matter and file it in the office of the secretary of state. Some lobbyists try to get votes for or against a bill by improper methods, such as paying or promising money, and other kinds of bribery. This is a crime against the people, and the briber is as guilty as the one who takes the bribe.

When Laws take Effect. — It is a rule that ignorance of the law excuses no one, which means that a man who acts illegally cannot claim that he did not know what the law was. The state, however, should make it easy for the people to know the law. Hence laws passed by the general assembly, *statutes*, as they are called, do not, as a rule, take effect until ninety days after the adjournment of the legislature. Some statutes are passed to provide for an immediate need. In such cases, if two thirds of the members of each house agree, the law may take effect as soon as signed by the governor.

The state provides also for the publication of the laws, and the ninety-day period gives time for this to be done before the laws go into effect. All statutes passed by the general assembly are filed with the secretary of state. He prepares them for publication in a bound volume, copies of which are sent to all state and county officials and to public libraries. Any person can buy a copy for fifty cents.

Revised Statutes. — Each general assembly passes a large number of statutes, some of which are new laws, while others amend or *repeal*, that is, abolish, old laws. It would be a hard matter to find the law on any subject if one needed to look through all the volumes of statutes passed by the different general assemblies. Hence the constitution directs that the general assembly shall provide for a revision of the statutes at the end of every ten years. The session of the legislature held before such revision is known as a revising session. Many statutes are revised at this session. A revising

commission, consisting of a number of lawyers, is then appointed. These men prepare the statutes for publication, leaving out all repealed laws. The latest *Revised Statutes* of Missouri, which are for the year 1919, make up three large volumes containing in all nearly 5000 pages.

Powers of the Legislature. — The general assembly, as the lawmaking body, has the power to legislate on any subject over which the state has control. There are a large number of such matters, of which the most important are the following: taxation; appropriation of money; punishment of crimes, such as murder, burglary, bribery, etc.; contracts; rights in property, such as renting of a house or sale of land; marriage and divorce; wills and inheritance; public education, health, and charity; regulation of saloons, hotels, and theaters; railroad, telegraph, telephone, and other public service corporations; banks, insurance, and other business corporations; matters relating to labor, mines, agriculture, manufacturing, etc.; good roads; militia; organization and power of counties, townships, cities, and villages.

Limitation upon Legislative Power. — Certain matters are prohibited to the state by the Constitution of the United States.¹ The power of the state legislature is limited as to these matters. In addition, the constitution of the state contains restrictions upon the legislature. At first these restrictions were very few in number; but for various reasons the people lost con-

¹ See Constitution, Article I, Section 10; Amendments, Article XIV, XV.

fidence in the legislature, and placed more restrictions upon it in the state constitution. In the present constitution the power of the legislature is limited or prohibited regarding a large number of matters. The most important have to do with its power to levy taxes, borrow money, and pass special laws.¹

Initiative and Referendum. — In 1908, the power of the legislature was still further reduced by the adoption of an amendment to the constitution providing for the initiative and referendum. The *referendum* is similar to the plan of having the people ratify constitutional amendments, but it applies to ordinary statutes passed by the legislature. If a number of people do not approve such a statute, they can have it referred to the voters by means of a petition signed by 5 per cent of the voters in each of two thirds of the congressional districts of the state. This means about 50,000 signatures. It is of course difficult and expensive to get these signatures. The petition must be filed with the secretary of state during the ninety-day period after the legislature adjourns. If petitions with a sufficient number of signatures are filed, the law does not go into effect, but is submitted to the voters at the next general election.² If a majority do not vote in favor of the measure, it will not become a law. Four legislative acts were referred to the people in 1914, and two in 1920, but none received a majority vote.

¹ See Constitution of Missouri, Article IV, Sections 43–56.

² Certain laws relating to public peace, health, and safety, and some appropriations, are not subject to the referendum.

The *initiative* is a new method of legislation in America, though it has been used for some time in Switzerland. It provides for the making of laws by the people without using the legislature. In Missouri the same number of voters needed to secure the referendum can submit by petition any measure which they wish to make a law. This measure must be filed with the secretary of state at least four months before the time it is to be submitted to the voters. If a majority vote in its favor, it becomes a law. The constitution may be amended by the initiative. Two amendments were submitted by the initiative in 1910, four in 1912, three in 1914, two in 1916, three in 1918, and one in 1920, but all except the last were rejected by the voters.

The initiative and referendum plan has been adopted in twelve states and is being urged in many more. The chief argument against it is the lack of interest on the part of the voters. In most states the vote on such measures is only half of that cast for the election of officials at the same election, and in others it is as low as one fifth. The plan has been in use in Oregon for a number of years, and in that state more than two thirds of the voters vote on the measures submitted. One reason why people do not vote is that they do not understand the measure. In Oregon a copy of the measures, with arguments for and against, is sent to each voter in the state. This should be done wherever the plan is used. If the people are to legislate directly, they should thoroughly understand the measures submitted to them.

SUGGESTIVE QUESTIONS

What is the name of the Missouri legislature? Give the names of its two houses.

When and where does it hold its sessions? How far is it from your home to the state capital?

Explain the pay of members of the legislature. What is mileage?

What are the terms of senators and representatives?

Explain the method of representation in the house of representatives. Compare this with the method of representation in the senate. What is the rule if a county has less than one ratio of representation?

Give the number of members of the house of representatives. Has your county more than one member? Give name or names.

Give the number of members of the state senate. How are senatorial districts formed? In what senatorial district do you live? Who is your senator?

Explain the qualifications of senators and representatives.

Name the chief officials of each house. Explain the committee system and show why the action of committees is so important.

What is meant by a quorum? What number makes a quorum in the Missouri legislature?

What is a bill? How is it prepared and introduced? What must be done with the bill before it can be passed? What vote is required to pass it?

What must be done after a bill has passed both houses? What is the veto? How may a bill be passed over the veto?

If the legislature is in session, ask your senator or representative to send you copies of some important bills.

Explain lobbying. How is it regulated in Missouri?

When do laws take effect? How are the people informed regarding the laws which have been passed? What are the revised statutes?

Explain the general powers of the legislature. How is it limited by the Constitution of the United States?

Why has the legislature been restricted by the constitution of Missouri? What are the most important of these restrictions?

What is meant by the referendum? What is the initiative? What are the chief arguments for and against the initiative and referendum?

CHAPTER XI

THE STATE EXECUTIVE

Importance of the Executive.— A law which has been made by the legislature will not amount to anything unless it is carried into execution; that is, enforced. As we have seen, many of the laws of the state are executed by the local assessors, collectors, prosecuting attorneys, sheriffs, policemen, and other county, city, and town officials. In many cases, however, the state laws cannot be turned over to local officials. Some matters lead to an expenditure of money which is too large for any city or county. Thus hospitals for the insane, a university, and normal schools are not usually managed by local officials. In other cases the measure may be one which should be managed, or administered, in the same way in all parts of the state. Thus most laws regarding banks, insurance companies, railroads, etc., are generally administered by state officials. Even where local officials execute state laws, their acts in some cases are supervised, or looked after, by state officials. Thus we have a state superintendent of public schools, who looks after the administration by local school officials of some of the laws relating to public education. Hence there are a large number of state officials who administer the affairs

of the state government, execute some of the laws of the state, and supervise the acts of local officials.

The Governor. — In every state the governor is the chief executive official. In Missouri he is elected by the people for a term of four years, and cannot be a candidate for reelection at the end of his term. No one can be governor unless he is at least 35 years of age, a citizen of the United States for at least ten years, and has lived in Missouri for seven years before his election. The governor is paid a salary of \$5000 a year, and is given a furnished residence at the capital.

The Lieutenant Governor. — Most states have a lieutenant governor, who is to act in place of the governor whenever he leaves the state, or in case of a vacancy on account of death, removal, or resignation of the governor. In Missouri the lieutenant governor is elected at the same time as the governor, holds for the same term, and must have the same qualifications. We have seen that he is president of the state senate. When the legislature is not in session he does not have any duties to perform except when he acts as governor. He is paid a salary of \$1000 a year and receives \$7 a day during the session of the legislature. In case of a vacancy in the offices of governor and lieutenant governor, the president *pro tempore* acts as governor. If in such a case there is no president *pro tempore*, the speaker of the house of representatives will act as governor.

The Governor's Legislative Powers. — As we have seen in studying the state legislature, the governor

has important powers in connection with the making of laws. He may call the legislature in extra session to act on matters which he thinks are important, and he may veto bills which have passed both houses. In addition, the governor is required to send to each general assembly a message in which he gives information about the state and its needs. He may also send in special recommendations on any subject at any time during the session. The governor is usually a leader of the political party which has a majority of the members of the general assembly. Hence any bill which he recommends has a good chance to be made a law. On this account, also, it is usually impossible to get a vote large enough to pass a bill over the governor's veto.

The Judicial Powers of the Governor. — The governor is also given powers of a judicial nature. When a man is found guilty of a crime, the courts must order the punishment fixed by law. There may be special reasons, however, why this punishment should not be carried out as fixed. The criminal may be ill, or his behavior in prison may have been very good. The state does not wish to punish, but to reform. Hence the governor has been intrusted with the power to grant a *reprieve*, that is, a postponement of the punishment, or a *commutation*, a reduction of the amount of the punishment, or a *pardon*, which does away entirely with the punishment and sets the prisoner free. The governor may grant a pardon to a person on condition that he will behave himself and not commit any other

crime. This is called a *parole*, which means that the person has given his word or promise of good behavior. Many prisoners who have been released on parole have reformed and become good and useful citizens.

So many petitions for pardon are presented to the governor that he cannot examine them all with care. He appoints a *commission of penal institutions*, which examines them and reports to the governor. The governor must report all pardons, reprieves, and commutations to the general assembly and state his reasons for granting them.

The Governor's Executive Powers. — The principal duties of the governor have to do with the execution of the laws of the state. He is the chief executive of the state, and as such represents the state in its relations with other states and with the national government. Thus if a criminal from Illinois comes into Missouri, the governor will order that he be given up to the officers from Illinois. The governor is commander in chief of the state militia, and can send its soldiers to any part of the state to keep order and execute the laws. In certain cases he can call upon the President of the United States to send national soldiers into the state to assist in keeping order.

The general duty of the governor to see that the laws are faithfully executed compels him to look after the local officials when they are executing state laws. He cannot as a rule interfere with such officials, but in certain cases where they can not or will not execute the laws the governor may act. In the same way he

can issue orders to some of the state officials regarding such matters. Most of the state officials who are not elected are appointed by the governor, but in many cases his appointment must be approved by the senate. He appoints in case of vacancies in most state and county offices. As a rule the governor cannot remove officers, but in some cases where it is important for the governor to control the acts of the official, he is given the power of removal. The governor issues *commissions* to state and county officials. A commission is a document showing the official's right to hold his office.

The governor is a member of the following important boards, with various administrative duties: board of agriculture, board of charities and corrections, board of education, board of equalization, board of fund commissioners, bureau of geology and mines, board of horticulture, and board of permanent seat of government. He appoints the members of some of these boards, and is usually able to influence their acts. The governor appoints a secretary to the governor, who helps him in attending to his many duties.

Other Executive Officials. — In addition to the governor and lieutenant governor, the constitution names the secretary of state, state auditor, state treasurer, attorney-general, and superintendent of public schools as officials of the executive department. Each is elected for a term of four years and may be reëlected, except the treasurer, who, like the governor, cannot be elected for two terms in succession. No one can be elected to any of these offices unless he is at least 25

years of age, a male citizen of the United States, and has lived in Missouri for at least five years before his election. Each of these officers receives a salary of \$3000 a year. Many other officials have been provided for by the legislature, all of whom are appointed. Most of these officials are appointed by the governor, the appointments being usually subject to the confirmation of the senate.

These officials deal with many different affairs of the state's business. While each official is usually separate from and independent of any other official, the duties of some are of the same general kind. Hence instead of naming each of the separate officials it will be better to group them all under a few classes or departments according to their powers and duties. The state auditor and state treasurer have duties relating to the state's money, and will be referred to in Chapter XII, dealing with Revenue and Expenditures. The attorney-general is the legal adviser of the state and represents it before the higher courts. His duties will be considered in Chapter XV, dealing with the State Judiciary. The state superintendent of schools will be discussed in Chapter XIII, on Public Education.

Department of State. — The *secretary of state* is the only official of this department, though he has a number of clerks to help him in performing his duties. The most important duty of the secretary of state is that of keeping the journals and other official documents of the general assembly. He also keeps a record of the official acts of the governor. The great seal of

the state, which is used on all commissions issued to officers and on other official documents, is kept by the secretary of state. Any one who wishes to can see the official records in the office of the department of state. From these records the secretary of state publishes the laws and journals of the general assembly, which he distributes among state and local officials and to others as provided by law. All nominations for state offices are filed in his office. Reports of all elections are sent to him, and he keeps a record of the name and term of office of all state and local officials. He publishes this and other valuable information in the *Official Manual of the State of Missouri*, usually called the "Blue Book," which is issued once in every two years.

The secretary of state has other important duties besides that of keeping documents and records. All corporations which are given charters, that is, the right to do business in the state, must receive their certificates of incorporation from his office. He has duties in connection with the law regulating automobiles. All automobiles, as well as chauffeurs, must be registered in his office. He is the agent of the state in matters relating to land granted to it by the national government. He has important duties to perform as a member of the following boards: board of education, board of equalization, board of permanent seat of government, and public printing commission.

Military Department. — The military department of the state includes two classes, — the militia and the naval reserve. Each exists for two purposes; first,

to help the police and sheriffs when they are unable to keep peace and order; and second, to assist the national government in case of war. The governor is commander in chief, and administers affairs through the *adjutant general*, appointed by him. The militia is known as the *National Guard of Missouri*. If necessary, as in time of war, all male citizens between 18 and 45 years of age are liable to service in the militia. In time of peace, however, no one is compelled to serve, and the militia is made up of those who wish to join. In 1916 the national guard consisted of 4068 enlisted men and 251 officers. Sixty companies of infantry, located in different cities of the state, are organized in one brigade of four regiments. There are also small organizations of cavalry, artillery, hospital, and signal corps. The corps of cadets of the Missouri State Military School of the University of Missouri and certain military academies in the state are recognized as *posts* of the state militia. The *Missouri Naval Reserve* includes only one division, containing only a small number of seamen and officers.

Labor and Commerce. — The state has a deep interest in the welfare of laborers, including women and children, and laws have been passed to improve the conditions under which they work and to restrict child labor. There is a *commissioner of labor statistics*, who collects and publishes information about such conditions. In each of the three largest cities of the state there is a free employment bureau to assist laborers in getting work. A *state industrial inspector*, who has a

number of assistants, enforces laws regarding labor in factories, stores, etc. A chief *mine inspector* and six assistant inspectors enforce laws relating to labor in mines. A *board of mediation and arbitration*, consisting of three members, investigates disputes between employers and laborers and tries to settle them.

Railroads have done much to increase the wealth of the state. It is necessary, however, to have laws to prevent the railroads from charging too much for freight or passengers. The safety of passengers as well as of railroad employees must also be secured. The *public service commission* administers laws for these purposes. The *warehouse commissioner* supervises the laws relating to the inspection and weighing of corn, wheat, and other grain, and hay. A *board of immigration* of three members is to advertise the state in such a way as to bring in people from other states and foreign countries.

Control over Insurance and Other Corporations. — People who are obliged to trust their money to large corporations for any purpose are not able in many cases to look after its safety. Hence the state makes laws to govern such corporations, and has a number of officials to enforce them. The *superintendent of the insurance department* administers the law regarding insurance companies. Some insurance companies insure property; that is, they charge a premium, or fee, and agree to pay the owner a certain amount of money in case his property is destroyed in a fire or a windstorm. Other insurance companies insure a man against accidents, or insure his life, agreeing in case of his death to pay

a certain amount of money to his widow, children, or other persons named by him. The superintendent of insurance examines all such companies and grants licenses, or permits to do business, to those which he finds to be safe for the people to deal with. No company can do business without a license, and the superintendent can take away a license at any time.

State banks and trust companies in which people deposit their money for interest or security do business under similar laws. A *commissioner of finance*, who has a number of examiners to assist him, administers these laws. Banks and trust companies make reports to the commissioner, and are examined at least once in each year. The commissioner may order a bank closed when an examination shows that it is in a bad condition.

Building and loan associations loan money to their members so that they can build houses, the loans being repaid in monthly payments. The commissioner of finance is given powers over these organizations similar to those he has over banks and trust companies. He also administers the laws for securing rural homes for former soldiers.

Agriculture. — The majority of the people of the state are engaged in some form of agriculture. Every one has an interest in it, as it is the source of food supply. Hence it is natural that the state should do much to improve conditions and methods of agriculture. The *state board of agriculture* looks after the general agri-

cultural interests, including the state fair, which is held each year at Sedalia. It appoints a secretary, lecturers for farmers' meetings, a *dairy commissioner* to promote dairy interests, a *state veterinarian* to attend to diseases of live stock, and a large number of deputy state veterinarians in the different counties, as well as other employees. The *state poultry board* has similar duties in connection with the poultry industry of the state. Most of the members of these boards are appointed by the governor, and the legislature appropriates money for the expenses of their work. In addition there are a large number of agricultural societies which help the state boards.

In order to secure better methods in agriculture, horticulture, and the management of live stock and poultry, experiments are carried on at the *state agricultural experiment station*, which is a part of the University of Missouri, at Columbia, and at the *state fruit experiment station*, and the *state poultry experiment station*, both of which are located at Mountain Grove.

The *game and fish commissioner* enforces the laws for the protection of game animals, birds, and fish, and maintains fish hatcheries for stocking the rivers and other waters of the state.

Public Health and Safety. — A *state board of health* looks after conditions affecting the health of the public in general. There are also local boards of health in cities and counties. An *inspector of hotels* enforces the laws regarding fire escapes and sanitary conditions

in hotels. The state laws relating to pure food and drugs are enforced by the *state food and drug commissioner*, appointed by the governor. In order to protect the public against kerosene, gasoline, and other petroleum oils which are unsafe for use, the law requires such oils to be inspected before being sold. The inspection is made by a *state inspector of oils*, who has a number of deputy inspectors to assist him.

In the case of some professions and occupations it is highly important that people shall know that a person is able to practice or do the work he claims he can do. In such cases the law requires that an examination shall be passed before a person can get a license to practice. Any one practicing in Missouri without a license is subject to a fine or imprisonment. The state board of health conducts such examinations for physicians, while the *state board of law examiners*, appointed by the supreme court, does the same for lawyers. Other boards of examination are the *board of pharmacy*, *Missouri dental board*, *board of osteopathic registration and examination*, *board of nurse examiners*, *veterinary examining board*, *board of public accountancy*, *board of examiners for barbers*, and *board of embalming*.

Miscellaneous Departments. — The *board of permanent seat of government* has charge of the public buildings and other property at the capital. A *state highway commission* of four members has general supervision of state construction and improvement of roads. It appoints a *chief engineer* who has control of all road construction for which state appropriations are made. The

commissioners of public printing make contracts for the state printing, which is under their control. The *Missouri waterway commission* investigates questions connected with the waterways of the state.

SUGGESTIVE QUESTIONS

Name some local officials who execute state laws. Why is it necessary to have state executive officials?

Who is governor of Missouri? How is the governor chosen? For what term? What is his salary? What are his qualifications?

Who is lieutenant governor of Missouri? How is this officer chosen? For what term? What is his salary? What are his duties? In case of vacancy who succeeds the lieutenant governor?

What are the governor's powers over legislation? How does his position in his political party affect this matter?

What is the governor's power of granting reprieves, commutations, and pardons? What is a parole?

Give an example of the governor's power in dealing with other states; in dealing with the national government.

Explain the governor's power of appointment. Name some official who has been appointed by the governor of Missouri.

Name the other executive officials provided by the state constitution. How are they chosen? For what terms? What salaries do they receive? How are other officials provided? How are they chosen?

Who is secretary of state of Missouri? What are his chief duties?

What is the National Guard of Missouri? For what purposes does it exist? What powers has the governor over it? Through whom does he control its affairs? Are there any state soldiers in your county?

Name the officials who attend to matters affecting labor. Are there any mines or factories in your county?

Give an account of the duties of the public service commission; the warehouse commissioner.

Explain the duties of the superintendent of insurance. Give an account of the duties of the commissioner of finance. Is

there a building and loan association in your city? Is there a state bank?

Name some of the matters attended to by the state board of agriculture. Name some of the other officials who have duties in connection with agriculture and similar interests.

Explain the duties of the state board of health; the state food and drug commissioner; the state inspector of oils.

How do lawyers secure a license to practice? physicians? dentists? Name the other classes of persons who need a state license.

CHAPTER XII

REVENUE AND EXPENDITURES

Necessity of Revenue. — No government can exist without some means of paying its expenses. This is true in a family, school, or church government as well as in political government. In a family each member who is physically able gives his labor or money which he earns by work outside of the family. In a school each member of a literary society pays his share of the money needed to pay the expenses of an entertainment, or the money is raised by charging a fee for admission. The expenses of a church are paid out of gifts made by members. The government of a state has many expenses. It must pay its officials, build public buildings, purchase supplies for state institutions, support public education, and provide the things needed for the many activities of the state. In a few cases, as in the family, persons may furnish the government the service or thing needed. Thus members of school boards serve without pay, and men may work upon the county roads or furnish a team for such work. In most cases, however, the things needed cannot be had without money.

The *revenue* of the government is its income, or the money which it receives from its citizens and other persons. It comes from four general sources, — taxes,

special assessments, fees, and loans, or money borrowed by the government.

Taxes. — A *tax* is that which the government compels persons to pay for its support. We have seen that the government exists for the benefit of the people. It protects them and does many other things in their interest. As it cannot exist without money, every one should be just as willing to pay his taxes as he is to meet a part of the expenses of his family, society, or church. The members of a family who can not or do not work may become paupers and thus destroy the family society. If a government could not raise money by taxes, it would become bankrupt; that is, unable to pay its debts. In a ball club, if a boy does not pay his share of the expenses, he may be put out of the club. In the same way, if one does not wish to pay his taxes he may leave the state and take his property with him. If he continues to live in the state or has property in it, he owes it the duty of paying taxes. As it would not be just to those who are willing to pay their taxes if others did not pay, the government has the power to compel payment and, if necessary, to sell the property of a person for this purpose.

Amount Paid by Each Taxpayer. — We may agree that members of the state should pay taxes, but we must also answer the question of how much should be paid by each taxpayer. In a ball club, each one pays the same membership fee. On the other hand, in the family each member does as much as he can, and in a church members are supposed to give what they can

afford. In some cases a tax is the same for all persons. This is called a *poll tax*, meaning a tax of an equal amount for each head, or person. As some men are much better able to pay than others; a poll tax is not as a rule fair or just.

As the state thinks that people should pay taxes according to their ability, it does not collect poll taxes.¹ It is believed that a man's ability to pay taxes depends upon the amount or value of the property he owns. Hence the chief tax collected by the state is a tax on property, or, as it is called, the *general property tax*. Other taxes collected by the state will be noted below, but, as will be seen, more revenue is brought in for the state from the general property tax than from any other single source of taxation. The general property tax is not only the chief tax for state purposes, but is also the most important tax used for county, city, and school purposes.

Assessment of Property for Taxes. — If a man is to be taxed upon his property, there must be some method of finding out what he owns and fixing its value. This method is called an *assessment*. Assessments are made by assessors, one of whom is elected in each county.² It is the duty of the assessor to assess, or fix the value of, all property in his county. A taxpayer is required to fill out each year a statement or list of his property

¹ Poll taxes are used in counties for road purposes and are collected in some cities.

² In counties having township organization, assessors are elected for each township, and there is no county assessor.

with its value on June 1 and give it to the assessor. The assessor may increase the value fixed by the owner.

If a man thinks that the value at which his property has been assessed is too high, he can appeal from the decision of the assessor to the *county board of equalization*, consisting of the members of the county court, surveyor, and assessor. This board gets its name from the fact that it equalizes assessments among different taxpayers in the county; that is, increases those which are too low and reduces those which are too high. A *state board of equalization*, consisting of the governor, secretary of state, attorney-general, state auditor, and state treasurer, equalizes assessments among the different counties of the state. A *state tax commission* of three members appointed by the governor assists the state board of equalization and has general supervision over taxation in the state. It also assesses the property of railroad, street car, bridge, telegraph, telephone, and express companies, which is of such a nature that it cannot be assessed by the county assessors.

Rate of Taxation. — After a man's property has been assessed, the amount of tax he must pay depends upon the *rate* of taxation. The rate is a certain percentage of the assessed value of property. It is usually stated as a certain amount for each one hundred dollars of assessed value. For example, the rate of taxation for all state purposes is ten cents on each one hundred dollars assessed value, which is the same as one tenth of one per cent. The rate is *levied*, that is, fixed, by the general assembly for state purposes, by

the county court for county purposes, by the township board for township purposes, by the city council (legislature) for city purposes, and by the board of education for school purposes. The rates must not be higher than the amounts fixed by the state constitution.¹ In some cases the consent of the voters is necessary for an increase in the rate of taxation.

Collection of Taxes.—All divisions of government—state, county, township, school, city, village, and in some cases road districts—must levy taxes for support. It would cause much trouble to the taxpayer and be of great expense to the government if taxes for each purpose had to be paid to a separate collector. Hence in general there are only two classes of collectors,—the *city collector* and the *county collector*.²

City taxes are paid to the city collector, but all other taxes for local purposes (county, school, etc.) and all taxes for state purposes except some special taxes referred to later are paid to the county collector.³ In order to make it easy for people to pay their taxes, the collector or his deputy meets the taxpayers at some place or places in each township, giving public notice of the time he will meet them. Taxes must be paid not later than the first day of January. If not paid by that time they are said to be *delinquent*, and one per cent interest is charged on the amount of such taxes for each month or part of month they remain unpaid

¹ See Constitution of Missouri, Art. X., Sec. 8, 11, 22, 26.

² In the city of St. Louis all taxes are paid to the city collector.

³ In counties under township organization a collector elected in each township takes the place of the county collector.

after that date. The state holds a man's property as security for his taxes. The collector can bring suit in a court against persons whose taxes are delinquent, and the judgment may be enforced by the sale of enough of his property to pay the taxes.

Taxes on Liquors. — The use of intoxicating liquors leads to so much distress, poverty, and crime that strict regulations have been made regarding their manufacture and sale. No one could run a saloon without securing a license or permit from the county court. This license would not be granted unless a majority of the taxpaying citizens owning property in the block in which the saloon was to be situated would sign a petition for it.¹ A "local option" law permitted any county, and also any city containing more than 2500 inhabitants, to vote upon the question of having saloons. If a majority voted against saloons, they could not be licensed in such county or city.

In order to reduce the number of saloons in places where they were licensed the state provided for taxes to be paid to the state, county, and city for each saloon license granted. This tax was \$400 a year for the state and from \$500 to \$800 for the county. The city tax was usually much higher. Manufacturers and others dealing in intoxicating liquors were also required to take out licenses and pay state taxes on them. A tax was also levied upon all beer sold in the state. The adoption of the Eighteenth Amendment to the Con-

¹ In cities with less than 2000 inhabitants the petition had to contain also the names of a majority of the taxpaying citizens of the city.

stitution of the United States prohibited the manufacture or sale of intoxicating liquors and thus took away this large amount of revenue. The state continues to collect taxes upon soft drinks like soda pop. These taxes are collected by the *state beverage inspector*.

Other Taxes. — The state levies an *inheritance tax* on property which a person receives as a result of the death of another person. The rate varies according to the relationship of the persons and increases with the value of the inheritance. Exemptions of certain amounts exist for relatives. There is also an *income tax* similar to the national income tax (page 170) but the rate is only one per cent. Owners of automobiles pay license taxes which are used for the improvement of roads.

As we have seen, all corporations must receive their charters from the state. Taxes are levied upon such corporations, according to the amount of capital which they have in their business. The insurance companies of this state are taxed on their property. Insurance companies of other states, or foreign insurance companies, as they are called, do not have much of their property in Missouri, though they may do a great deal of insurance business. The state levies upon these foreign insurance companies a tax of two per cent of the total amount of premiums collected by them in Missouri. As these companies are not taxed by counties, the state gives the counties one half of the income from this tax.

Special Assessments. — A government pays most of

its expenses out of its revenue from taxes. In some cases it does things which are of special benefit to a group of persons, and makes these persons pay the cost in proportion to the benefit each has received from the improvement made by the government. This amount which each must pay is called a *special assessment* or special tax. This method is used a great deal in cities in paving streets and sidewalks, and in building sewers. The city may pay the cost of these improvements out of its general income from taxes, but as these improvements increase the value of the property along which they are made, it is usual to issue special tax bills against such property for the cost of the improvement. Special assessments are not generally used by the state or county, though in some cases they are used for improving county roads or draining swamp lands.

Fees. — A *fee* is a payment made by a person for some act done for him by a public official. Thus when a deed to property is recorded or a marriage license is issued, the recorder collects a fee for it. We have seen that most of the county officials get a part or all of their compensation from the fees which they collect. Many of the state officials are paid fees for special acts which they perform, but these fees are turned into the state treasury.

In the case of officials and boards having to do with the inspection of mines, factories, banks, and other corporations, and the examination and licensing of persons to engage in certain professions and occupations, the fees charged are sufficient to pay the salaries of the

officials and all the expenses of their offices. In the case of the state superintendent of insurance and the state inspector of oils, the amount collected for fees is much greater than the expense of the offices. In the case of the state beverage inspector, the fee is really a tax, and produces a large amount of revenue.

Public Loans and Bonds. — A government may at times need more money than it can raise in a single year by taxation. A county may need a courthouse or jail, or a city may wish to build a water and light plant. A building may be needed for a school or a state capitol. In such cases the government must act like an individual — it must *borrow* the money and pay it back in small portions from year to year. In such cases the government issues *bonds*, which, like an individual's notes, are promises to pay back the loan within a certain time with interest at a certain rate until paid. As the credit of Missouri and its counties and cities is good, they can borrow money at low rates of interest. In order to prevent extravagance and corruption, loans, except for small amounts, cannot be made without the consent of two thirds of the voters, and the total amount of the loan must not exceed a certain per cent of the assessed value of property. The state *board of fund commissioners* attends to the sale of state bonds.

At the time of the Civil War Missouri had a large state debt. This was gradually paid off, until in 1903 there were no state bonds unpaid. \$3,500,000 in bonds were authorized in 1911 to build a new Capitol, but all

of these will be paid by 1923. \$1,000,000 in bonds for soldier settlement and \$60,000,000 for good roads were authorized in 1920 and in the following year \$15,000,000 were authorized for bonuses for soldiers.

State and Local Treasurers. — As we have seen, there is a *state treasurer*, and there are also treasurers for the different kinds of local government. The city collector pays over all taxes which he has collected to the city treasurer. The county collector pays over county taxes to the county treasurer, school taxes to the treasurer of the school district, and state taxes to the state treasurer. It is the duty of the treasurers to keep the money in banks which have agreed to pay interest for the same. The money is to be paid out only when a proper *warrant*, or order, is presented. All classes of treasurers must give bonds as security for the public money in their control.

Appropriations. — Money which has been paid into the treasury cannot be paid out until it has been *appropriated*; that is, set aside to meet certain expenses. The legislature makes appropriations of the money belonging to the state, while the county court, city council, and board of education do the same for the money of the county, city, and school district. The money is appropriated to pay the salaries of officials and for other purposes for which money can be spent by the state and local governments.

State Auditor. — Legislative bodies make appropriations, but the expenditures are made by executive officials. It is necessary that some one should see that

these expenditures are made as provided by the legislature and that the prices charged the government are not too high. Hence accounts against the state go to the *state auditor*, and if he approves of them he issues the warrants for their payment out of the state treasury. In local governments the clerks usually issue such warrants upon the order of the county courts, city councils, etc., for the payment of money out of the local treasuries.

It is also necessary to keep a check upon collectors and treasurers who handle public money. This is done by means of bookkeeping in the office of the state auditor. Accounts are kept with county collectors and the state treasurer. Similar accounts are kept by the county and city clerks or comptrollers for local collectors and treasurers.

Before the meeting of each general assembly, the state auditor prepares an estimate of the appropriations which should be made, and makes his report when the legislature meets. He has other important duties relating to the revenue and expenditures of the state.

Revenue and Expenditures in Missouri. — As the legislature meets regularly only once in two years, appropriations are made for a two-year period. The sources of general state revenue are shown in the following table, which is for the years 1919 and 1920.¹

¹ This table is prepared from figures given in the report of the state auditor, which is published every two years.

GENERAL REVENUE FOR 1919 AND 1920

General Property Tax	\$ 8,086,412
License Taxes on Saloons	1,182,052
Beverage Inspection Tax	646,497
Inheritance Tax	2,944,450
Income Tax	3,763,239
Incorporation Tax	448,250
Corporation Franchise Tax	3,658,954
Foreign Insurance Company Tax	1,134,419
Fees of State Inspector of Oils	321,758
Interest on Deposits in Banks	619,947
Miscellaneous Fees, Taxes, etc.	1,449,105
<hr/>	
Total	\$24,255,083

The above table does not include the receipts of state penal and charitable institutions, and fees charged by many state departments where these are used for the support of these institutions and departments, as such amounts are not treated as a part of the general revenue fund of the state.

The largest amount of state expenditures is for public education, including money appropriated for public schools, the state teachers colleges, Lincoln University, and the University of Missouri. Other important items of expenditures are those for the state charitable institutions, the departments of state government, assessing and collecting the revenue, prosecution of criminals, and promotion of agriculture.

SUGGESTIVE QUESTIONS

Why does a government need money? From what sources can it get money?

What is a tax? Why should persons pay taxes? How much should each one pay? What is a poll tax? Are poll taxes levied in your city or county? Are they good taxes?

What is the general property tax? What is an assessment? How is it made? What are the county and state boards of equalization?

What is meant by the rate of taxation? What is the rate for state purposes? What is the rate of taxation in your county or township? in your city? in your school district?

How are taxes collected? What are delinquent taxes? How is their payment enforced?

Name some of the other state taxes.

What are special assessments? Are they levied in your city? How do they help the revenue of the city?

What are fees? Give some examples of fees. How do they help the revenue of a government?

Why is it necessary for a government to borrow money? What are bonds? What is necessary before bonds can be issued? What is the bonded debt of your county? of your township? of your city? of your school district? For what purposes were these debts created?

How is the revenue from taxes paid into the state and local treasuries? Where do the treasurers keep it? What interest is paid by banks for the deposit of your county's money? of your city's money? of your school district's money?

What is meant by "appropriation"? How are expenditures controlled? How is control kept over collectors and treasurers?

CHAPTER XIII

PUBLIC EDUCATION

Need of Public Education. — The state has a deep interest in the education of its citizens. The educated farmer can get better crops than his neighbor who has not had any training. In the same way the laborer, merchant, or professional man who has had an education can do more than one who has not had this advantage. Hence the larger the number of educated citizens in a state, the greater will be its wealth and prosperity. Citizens must be educated also in order that they may know how to vote. A government cannot be better than the citizens. If voters are ignorant, the government which they elect will probably be weak and corrupt. They will not know enough to choose good or able officials. Hence in some states no one is allowed to vote unless he is able to read or write.

While private schools can furnish a good education, they are not sufficient. Most of the people could not afford to pay the charges of such schools. When only the rich could vote, public schools were not needed to educate the voters. To-day, however, when practically all adults vote, the state must furnish free public schools in which the future voters can be educated and trained in the duties of citizenship. These are not charity schools, as the state expects to get something in return for the large amount of money which it spends.

It expects that those whom it is educating will become useful citizens, who will serve the public by voting for good officials and by helping in every way to improve conditions in the state.

Public Education in Missouri. — Free public schools, which have existed in Missouri for many years, are guaranteed by the following provision of the state constitution: “A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the General Assembly shall establish and maintain free public schools for the gratuitous instruction of all persons in this State between the ages of six and twenty years.” The legislature considers education of so much importance that it is made the duty of parents and guardians to send to a public or private school all children between the ages of eight and fourteen years.¹ Parents or guardians who fail to obey this law may be punished by a fine or imprisonment, or both.

Public education in Missouri is carried on in four different classes of schools, — common or elementary schools, high schools, state normal schools, and the state university. The management of elementary and high schools is carried on by boards which are elected in the school districts into which the state is divided. There are four classes of such districts, — common school districts, consolidated school districts, town school districts, and city school districts.

¹ Children between the ages of fourteen and sixteen years must also attend unless they are at work in some way.

Common School Districts. — The *common school districts* are found outside of any city or town. They are not large, and usually contain only a small number of children of school age. The small size of the district puts most of the children within walking distance of the school. On the other hand, the taxes which can be collected in such a district are usually not large enough to support a good school. The state gives special grants of money to some of these districts. A better plan is to organize a consolidated school district.

Consolidated School Districts. — Three or more common school districts may unite to form a *consolidated school district*.¹ Such a district, with more revenue, can have a better elementary school than any one of the separate common school districts of which it is formed. It may also maintain a high school. These districts may be so large that pupils cannot walk to the school. Hence the law provides that the school board of any district may, with the approval of two thirds of the voters, furnish free transportation to all pupils living more than one half mile from the schoolhouse. In 1920 there were 161 consolidated school districts in Missouri, but soon this number will probably be much larger.

Town and City Districts. — *Town school districts* are those which contain a town or village or a city of the fourth class. *City school districts* contain a city of the first, second, or third class. In town and city districts the population is much larger than in common

¹ A town district with less than 200 children of school age may become part of a consolidated district.

school districts. While the area is sometimes smaller, the property is more valuable and hence the revenue is larger. A high school as well as an elementary school is maintained, and in the larger cities there are one or more elementary schools in each ward of the city.

School Elections. — In common school districts there is an annual meeting of the voters on the first Tuesday in April. In this meeting the voters elect a member of the school board of directors, fix the rate of the school tax and the length of the school term, and decide a number of other questions relating to the school. In consolidated and in town and city districts there is no meeting of the voters, but there is an annual election held on the same day to elect members of the school board and to decide upon any increase in the school tax. In St. Louis, Kansas City, and St. Joseph, the school election is held every two years instead of annually.

Board of School Directors. — The management of the schools is in the charge of a *board of education* or *board of directors*, who are elected for terms of three years.¹ In common school districts there are three members, one being elected each year. In other districts there are six members, two being chosen at each election.² Members must be taxpayers, but women may be chosen as well as men. The board employs teachers, builds schoolhouses, and has general charge over all matters relating to the schools.

¹ In St. Louis, Kansas City, and St. Joseph the term is six years.

² Twelve members in St. Louis, four being chosen at each election.

School Term. — The law requires that a school shall be held for at least eight months in each year. Some common school districts which cannot raise enough revenue for this purpose are given a certain amount from the state treasury. In most of the city districts the term is nine months, and in some it is ten months.

Teachers' Certificates. — We have seen that the law does not permit a lawyer, physician, or the like, to practice without a license given as the result of an examination. In the same way the law does not permit any one to teach in the public schools without a certificate, or license to teach. A teacher's certificate is granted after examinations held by the state superintendent or the county superintendent of schools.¹ The school of education of the University of Missouri and the state normal schools may issue such certificates to their students.

Principals and City Superintendents. — There are so few pupils in the common school districts that there is usually only one teacher for the entire school. In the other classes of districts where there are several teachers, a *principal* is appointed to have general charge of the school and to advise and direct the teachers in their work. In cities where there are a number of schools there is usually a *city superintendent*, who has general charge over all the schools and teachers, and advises the school board in their management of the affairs of the school district. He looks after the course

¹ In St. Louis, Kansas City, and St. Joseph the examinations are conducted by the city superintendents.

of study, classification of pupils, order and discipline, buildings, furniture, and grounds. In large cities he has so many things to attend to that he has no time to teach classes.

County Superintendent of Schools. — Common school districts and other districts with a small population cannot afford to employ a superintendent. In order that such schools may have the benefit of supervision, there is elected in each county a *county superintendent of public schools*. His duties are similar to those of a city superintendent. As the schools are scattered all over the county, he cannot visit each school as often as is done by the city superintendent. As we have seen, the county superintendent gives examinations for teachers who wish to get a certificate to teach. He also holds public meetings of teachers and school officials, and arranges for a county teachers' association for the purpose of discussing matters of interest to the schools and teachers. He is president of the *county school textbook commission*, which also includes two teachers, — one appointed by the county court and the other by the state board of education. The textbook commission adopts textbooks which are to be used in the public schools of the county except in cities which have more than 1000 children of school age, or have high schools which are accredited by the state university. In such cities the textbooks are adopted by the city school board.

State Superintendent of Public Schools. — The *state superintendent of public schools* is elected by the voters

of the state for a term of four years. He has many duties relating to public education in the state. He visits or sends his representatives to all parts of the state for the purpose of examining schools and giving advice and assistance to the school officials and teachers. He looks after the money appropriated by the state for public schools, and sees that it is distributed among the different counties and school districts. The state superintendent holds examinations for teachers' certificates, and prepares all questions used in the examinations held by the county superintendents. He may revoke a certificate in case of neglect of duty by the teacher or for other good cause. He is a member of a number of state educational boards, and collects and publishes information about the schools of the state.

School Revenues. — Public schools are supported by the government, but this support comes from a number of different sources, the most important of which are the income from school funds, appropriations made by the general assembly, and school district taxation.

School Funds. — The school funds are permanent investments for the support of the public schools. The interest from these investments is used for such support, but the principal cannot be reduced. There are four kinds of public school funds. The *state public school fund*, which is under the control of state officials, and amounts to \$3,159,281, was derived from the sale of certain lands given to the state by the national government, and from other sources. The *county public*

school fund, which exists in each county of the state, comes chiefly from fines collected in the county. The total of all the county school funds in 1916 was \$5,919,211, but this amount is constantly increasing. The *township school funds* amount to \$2,514,123. The national government gave to the state, for the use of public schools, one section of land in each congressional township. This land was sold, and the proceeds in each township form the township school fund for the use of school districts in that township. The county court has charge of the investment of the county school fund, and also of all the township school funds of the county. In addition certain school districts have special *district funds* coming from gifts made to them and from other sources. The total amount of such special funds is \$2,620,624, the greater part of which belongs to the district of the city of St. Louis.

State Appropriations for Public Schools. — The general assembly appropriates for public schools one third of all the ordinary revenue coming into the state treasury. This is a very large sum, which increases each year. This amount is added to the interest on the state school fund, and the total is divided among the counties of the state. Until 1912 the amount each county received depended upon the number of persons of school age. Thus in 1911, the total amount divided was \$1,769,274.62. As there were 975,504 persons of school age, the amount for each person was \$1.813. This method was unfair, as a county received the aid from the state regardless of the number of pupils who

were actually in school. Hence the rule was changed (1912), so that now the amount received by each county depends chiefly upon the number of persons attending public schools and the length of time during which they attend. Thus the money from the state goes where it is most needed. Laws have been passed for granting special state aid to school districts which are unable to raise sufficient revenue by taxation. Aid is also given to approved high schools giving teacher training courses. The amount received by each county from the state, and the income from the county and township school funds, are divided among the different school districts of the county.

School District Taxation. — The total amount of income from the school funds and state appropriations is very large, but the amount received by any school district is not sufficient to support the school or schools of the district. Each district raises the balance needed by taxation on property in the district. As a rule the amount raised in any year is not enough to pay the cost of new school buildings. Hence the school board, with the consent of two thirds of the voters, may borrow money and levy additional taxes to pay the interest and repay the loan within twenty years.

Schools for Colored Children. — In Missouri the law requires that white and colored children shall be educated in separate schools. The board of directors of a school district is required to maintain a free school for colored children. It is provided that the length of the school term and the advantages and privileges of the

school shall be the same as are provided for other schools of corresponding grade within such school district.

Public High Schools. — For a long time it was thought that the common or elementary schools could furnish all the education needed by the citizens. Private academies provided the second grade of education for those who could afford to pay the cost of tuition. But it is now realized that all citizens need this training, and to-day it is provided free of charge in public high schools in cities, towns, and consolidated districts. The state superintendent of public schools inspects these schools, and classifies them according to the work which they do. In 1920 there were 329 first-class schools, 100 second-class schools, 193 third-class schools, and 81 unclassified, a total of 703 public high schools in the state.

State Teachers Colleges. — We cannot have good schools unless we have good teachers. Hence the state provides teachers colleges or normal schools for the training of teachers. The counties of the state are divided into five districts, for each of which there is a state teachers college. These colleges are located at Kirksville, Warrensburg, Cape Girardeau, Springfield, and Maryville. Each is governed by a *board of regents*, consisting of six men appointed by the governor, and the state superintendent, who is a member by virtue of his office. Students in these colleges pay small fees, but the chief support comes from appropriations made by the state legislature. In the school of education of the state university, teachers are trained for work in the elementary schools, high schools, and colleges.

University of Missouri. — The state must also provide higher education for scholars and teachers, and for those who wish to become trained farmers, lawyers, physicians, engineers, business men, and journalists. The University of Missouri is the state institution for higher education. It includes a college of arts and science, college of agriculture, graduate school, and schools of education, law, medicine, engineering, business and public administration, and journalism, located at Columbia, and the school of mines at Rolla. The university is governed by a *board of curators*, consisting of nine members appointed by the governor for a term of six years. The university has an endowment fund of about \$1,250,000, derived chiefly from the national government. In addition to the interest on this fund the university receives appropriations from the state legislature and, for certain purposes, from the national government.

Lincoln University, the state school for colored students, is located at Jefferson City.

Miscellaneous. — The Missouri Library Commission, appointed by the governor, advises and assists cities and schools in building up libraries. The State Historical Society of Missouri, located at the state university, collects and preserves books, newspapers, and other material of value for the history of the state.

SUGGESTIVE QUESTIONS

Why is the state interested in education? Why are public schools necessary? How has education been made compulsory in this state? Is there a truant officer in your school district?

What return does the state expect from those who are educated in public schools?

Name the different classes of public schools. Who controls the elementary and high schools? Name the classes of school districts. In which class does your school district belong?

What is the chief advantage of a common school district? What is its chief disadvantage? What is a consolidated district? What benefit results from consolidation?

What is a town school district? What is a city school district? What advantage do they have over common school districts?

For what purposes is the school election held? When is it held? How does the school election in common school districts differ from that in other districts?

How many members of the school board are there in common school districts? in other districts? What is their term of office? What are their powers? Do they receive any salary?

What is the length of the school term in your school? Is this as long as or longer than the state law requires?

What is a teacher's certificate? How may it be secured?

Explain the duties of a principal; of a city superintendent; of a county superintendent; of the state superintendent. How is each of these officials chosen?

Name the different kinds of school funds. How are the county and township funds invested?

How much money is appropriated by the legislature for public schools? What was the former method of distributing this money among the schools? Compare with the present method.

Why are public high schools needed? How many high schools in your county? How are they classified by the state superintendent?

For what purpose are teachers colleges established? Where are they located? In which teachers college district do you live? How is each teachers college governed? How supported?

Why has Missouri a state university? Name some of its colleges and schools. How is it governed? How supported?

CHAPTER XIV

PUBLIC CHARITY

Necessity of Public Charity. — One who is able to work does not need and should not receive charity. Those, however, who on account of age, sickness, or misfortune cannot provide for themselves and have no relatives to furnish support, deserve public sympathy and charity. Public charity includes also the duty of providing schools for the deaf and blind, and hospitals for the insane and feeble-minded. All of these persons who are dependent should receive public aid and kind treatment.

Charity in Counties. — In most cases, poor persons are given help by the county in which they live. The county court attends to this public charity. Food, fuel, clothing, and medicine are given to such persons in their homes. The county also has an *infirmiry*, or poorhouse, in which are kept persons who will never be able to support themselves. In most cases cities also give support to the poor.

State Charity. — The counties are unable to provide proper care for the insane or to educate the blind or deaf.¹ Hence the state has institutions for these purposes. There are four *hospitals for insane persons*, located at

¹ The city of St. Louis has its own insane asylum.

Fulton, St. Joseph, Nevada, and Farmington; an *institution for the feeble-minded and epileptic*, at Marshall; and a *state sanatorium* at Mount Vernon for the treatment of consumption in its earlier stages. These institutions are governed by a *board of managers* of six members appointed by the governor for terms of four years. The state maintains also a *school for the blind*, at St. Louis; a *school for the deaf*, at Fulton; a *Confederate soldiers' home*, at Higginsville; and a *Federal soldiers' home*, at St. James. Each of these institutions is governed by a *board of managers* of five members, appointed by the governor for terms of four years. In most of these institutions fees are paid by the patients or by the counties from which they come. A *Missouri commission for the blind* has duties relating to the welfare of blind persons.

Institutions for Young Criminals. — In many cases the crimes of young criminals are the result of evil companions and bad examples. If such persons are kept in jail or sent to the state penitentiary, where other criminals are kept, these evil associations will be continued. If they can be taken away from such bad influences and given good examples and training, they may be reformed and made good citizens. For this purpose the state has established the *Missouri reformatory for boys*, at Boonville, the *industrial home for girls*, at Chillicothe, and the industrial home for negro girls at Tipton. In these places, the boys and girls are taught useful trades and occupations. These institutions are supported in the same way as the state charitable in-

stitutions, but are controlled by the *commission of penal institutions*, which also has charge of the penitentiary.

State Penitentiary. — A county has a *jail*, and a city a *calaboose*, or city prison, in which are kept persons who are waiting for trial and also those who are being punished by short terms of imprisonment. If the term is for more than one year, the prisoner is sent to the *penitentiary*, or state prison, located at Jefferson City. The penitentiary is under the control of the *commission of penal institutions*, consisting of five commissioners appointed by the governor. This board appoints a warden, physician, and other officials for the penitentiary and makes rules for its management. A person under 30 years of age who is guilty of a crime which is his first offense may be sent to the Missouri reformatory instead of to the penitentiary, and any person of this age who is in the penitentiary may be transferred by the governor to the reformatory. In this way the prisoner has a better chance to reform and become a good citizen.

State Board of Charities and Corrections. — The poor, insane, and dependent classes may suffer from neglect or bad treatment on the part of the officials or attendants. The same may be true of prisoners in jails and in the penitentiary. In order to protect these unfortunate persons there is a *state board of charities and corrections*, consisting of the governor and six members appointed by him. It is the duty of this board to investigate all public institutions for charity or correction, whether state or local, and to make reports regarding them.

SUGGESTIVE QUESTIONS

Name some of the persons who should receive public charity. What division of government attends to most cases of poor relief? In what different ways is charity given? Is there a county infirmary in your county? Where is it located?

In what cases is charitable relief given by the state government? How are the state charitable institutions governed? How supported? Is any of these institutions in your county?

Explain the purposes of the Missouri reformatory and the Industrial Home for Girls. How are these institutions governed and supported?

What is the penitentiary? Explain its government.

What is the state board of charities and correction? What are its duties?

CHAPTER XV

THE STATE JUDICIARY

The Judicial Department of Government. — We have seen that there is a judicial department of the government, whose duty it is to settle disputes regarding the meaning of a law or the rights and duties of persons. These disputes are decided by the courts which make up the judicial department. Some disputes are of more importance than others. Hence there are different grades of courts. If a man is not satisfied with the decision of one court, he may *appeal*; that is, take the question to a higher court. In Missouri the courts are arranged in the following grades: justice of the peace, circuit court, court of appeals, and supreme court.¹

Civil and Criminal Cases. — The disputes which courts decide are called *cases*, or *lawsuits*. There are two kinds of cases, *civil* and *criminal*. Certain acts which the law forbids under penalty are called crimes. If it is claimed that a man has stolen a watch, the court must decide whether he is guilty or innocent of the crime. This proceeding before the court is called a criminal case. Disputes which do not have to do with crimes are called civil cases. Thus a grocer may sue, or bring a lawsuit against, a man to compel him to pay

¹ We have already studied the probate courts and city police courts, which exist for special purposes.

for groceries he has bought. Or, two men may claim the same farm. The court must decide whether the groceries should be paid for, in the one case, and who is the real owner of the land, in the other. All such disputes regarding property, contracts, etc., are civil cases. The one who brings the suit or case to court is called the *plaintiff*; for he is the one who complains regarding his rights. In criminal cases, the state is the plaintiff. The person against whom the suit or case is brought is called the *defendant*; for he is the one who defends himself against the charge. The proceeding before the court, in which the case is heard and decided, is called a *trial*.

Justice of the Peace. — Disputes should be settled quickly, and with little cost. In order to make this possible, the court must be close at hand. This is true of the court of the *justice of the peace*. At least two of such courts are provided for each township in the county. In larger townships this number is increased. Each court is held by a justice of the peace, who is elected by the voters of the township.

The justice of the peace decides civil cases where the amount in dispute is small, as in the case of a suit for an account of a few dollars. He also decides criminal cases which are not serious or important, and in which the penalty is a small fine or short imprisonment in the jail. If either party to a case desires it, the decision must be made by a jury of six men. After the decision has been made, the case can be taken to the circuit court if either party is not satisfied. Most

of these small cases, however, are finally settled by the decision of the justice of the peace. The justice of the peace has duties in regard to serious and important crimes, which will be explained below.

As jurors, witnesses, and defendants must be brought into court, there is elected in each township a *constable*, to attend to such matters. He also carries out the decisions and orders of the justice of the peace. One constable can usually do these things for all the justices of the peace in the township. In large cities, however, there is a constable for each justice of the peace.

Circuit Court. — All important cases are brought for trial before the *circuit court*. The counties of the state are divided into thirty-four circuits.¹ As each circuit usually contains two or more counties, the court is held at different times in the different counties. At least two sessions of the court are held each year in each county. A circuit judge is elected in each circuit for a term of six years. Some circuits contain only one county. If the county is very populous, one judge cannot attend to all of the business of the court, and an additional judge or judges must be elected.²

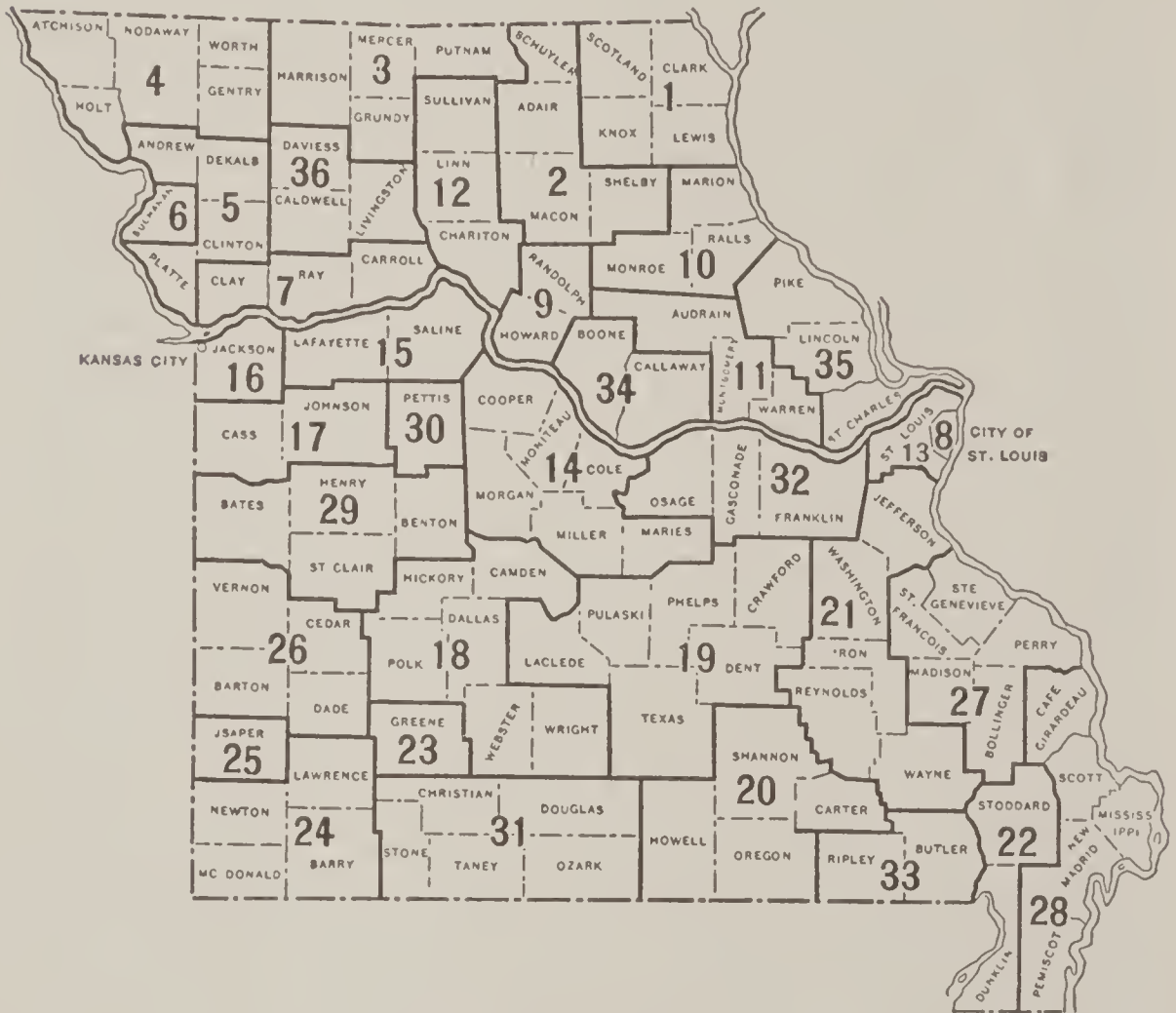
The circuit court decides both civil and criminal cases, except in a few counties, where a separate *criminal court* decides criminal cases.³

¹ The number is increased from time to time.

² Greene, Jasper, and St. Louis counties each elect two circuit judges, Buchanan county three, Jackson county ten, and the city of St. Louis fourteen.

³ In a few counties where there are cities at some distance from the county seat, a special court of common pleas tries certain cases which usually come before the circuit court.

Officials of the Circuit Court. — The circuit judge presides over the circuit court. He could not carry on its business without the assistance of certain administrative officials. As we have seen, the circuit clerk keeps the records of the court and issues its official



JUDICIAL CIRCUITS.

Adapted from Official Manual, State of Missouri, 1911-1912.

papers, while the sheriff arrests prisoners and brings them into court, notifies witnesses and defendants to be in court on a certain day, keeps order during the trial, and carries out the orders of the judge and the decisions of the court. The *prosecuting attorney* gives

legal advice to the county court, and looks after civil cases in which the state or county is interested. His chief duty, however, is to inquire into all cases in which a person is accused of a crime. If he believes the person is guilty, it is his duty to *prosecute* him; that is, to try to have him declared guilty by the court.

Proceedings in Criminal Cases.— When it is believed that a person has committed a crime, he is arrested; that is, taken to jail by a policeman, constable, or sheriff. As we have seen, if the case is not important, it can be decided at once by the justice of the peace. If it is a serious crime, it must be tried by a circuit or criminal court. This cannot be done at once, as the court may not be in session, or may have other business before it. The person should not be kept in jail until the trial, as he may be innocent. Hence, a preliminary trial is held before a justice of the peace, who inquires into the facts connected with the crime. If he believes the prisoner is innocent, he will discharge him; that is, order him set free. If the justice of the peace thinks the prisoner is probably guilty, he will order him held until the session of the circuit court unless he can furnish *bail*; that is, get some one or a number of men to agree to pay the state a certain sum of money if the prisoner does not appear in court when ordered to do so. A prisoner who is accused of deliberate murder or another equally serious crime cannot be set free on bail. A grand jury of twelve citizens usually meets at the time the circuit court is held. They inquire into violations of law, and agree upon an

indictment, or formal charge, against every person who in their opinion is probably guilty of some serious crime. In some cases, instead of an indictment, the formal charge is made by the prosecuting attorney, and is called an *information*. No one can be prosecuted for a crime except by indictment or information.

The indictment or information is made in the name of the state, which is the plaintiff in criminal cases, and is represented by the prosecuting attorney. The accused is defended by one or more attorneys at law, and has a right to a speedy trial. The trial, however, may be postponed if either side needs more time to secure facts, or for other good reasons. The defendant must be tried by a jury of twelve men. This trial jury is selected from a petit jury consisting usually of forty men. A person who has formed an opinion of the case is not usually selected, and each side is permitted to object to a certain number who have been selected. Persons are brought into court as *witnesses* to give *evidence*; that is, to present facts which may decide the guilt or innocence of the defendant. The judge decides disputes between the opposing attorneys regarding the evidence, and gives *instructions*, that is, advice, to the jury regarding the law governing the case. The attorneys are given a certain time in which to present their arguments to the jury. During the trial the jurymen are not permitted to discuss the case with any other persons. At its end they consult together regarding the facts in the case, and if all agree, they announce their *verdict* to the judge. If they declare

the defendant innocent, he is set free. If they find him guilty, they fix the degree of guilt, and the judge pronounces the *sentence*, or *judgment*; that is, the punishment for the crime. The sheriff takes charge of the prisoner and sees that the sentence is carried out. In cases in which the jury cannot come to an agreement, they are discharged, and a new trial may be held.

Civil Cases. — The proceedings in civil cases differ in some important matters from those in criminal cases. Any person may be the plaintiff in a civil case. The defendant is not arrested, nor is there any grand jury or indictment as in criminal cases. The plaintiff's *petition*, which is a document stating his claim against the defendant, is filed with the clerk of the circuit court. The defendant and witnesses are then notified to appear in court on the day fixed for the trial. The proceedings in court are similar to those in a criminal trial. If either party desires, the trial will be held before a jury. If neither party objects, however, the decision will be left to the judge. If there is a jury, the decision need not be unanimous, as in a criminal trial. If three fourths of the jury agree, they can give a verdict.¹

Appeals. — The decision made in a circuit court does not always settle the case. A person found guilty of a crime, and any party to a civil suit who is not satisfied with the judgment, may *appeal*; that is, take the case to a higher court, on the ground that mistakes

¹ Two thirds of a jury may give a verdict in civil cases in the court of a justice of the peace.

have been made in the trial in the circuit court. Whenever there is an appeal, the *record* of the case, or an account of the proceedings in the circuit court, is printed and sent to the higher court. One or more attorneys argue the matter for each side, and the court then decides the question of error. If it finds that mistakes have been made, it usually orders that a new trial be held. In some cases, however, it may order the release of the prisoner, or change the judgment in a civil case. If the court finds that no mistakes have been made, it *affirms*, or approves, the judgment of the circuit court.

Courts of Appeals. — There are two grades of higher courts in Missouri, — the courts of appeals and the supreme court. The less important cases are taken on appeal to a court of appeals, while the more important ones go to the supreme court.¹ The counties of the state are divided into three districts, for each of which there is a *court of appeals*. These courts are known from the names of the cities in which they meet, as the St. Louis, Kansas City, and Springfield courts of appeals. Each court consists of three judges elected for terms of twelve years.

The Supreme Court. — There are seven judges of the *supreme court*, elected for terms of ten years. They choose one of their number to be chief justice. So large a number of cases were taken to the supreme court

¹ In general, all civil cases in which the amount of money in dispute is more than \$7500 go to the supreme court, and the same is true of the more serious criminal cases.

that it was necessary to make two divisions of the court. Division number one, which consists of four judges, considers only civil cases. The other three judges make up division number two, which decides all criminal cases and some of the civil cases. Some cases which are important are brought before the entire court for decision. Six commissioners are appointed by the supreme court to assist it in deciding cases. The supreme court meets at Jefferson City in the supreme court building. The supreme court and each of the courts of appeals appoints its own clerk and marshal.

Court of Impeachment. — The governor and other executive officials and the judges are elected to hold office for a certain number of years; but if they misbehave seriously they can be removed by a process called *impeachment*. The house of representatives may impeach; that is, bring charges against such officials. In such case, the senate becomes a court for the trial of the impeachment. An official will not be declared guilty unless two thirds of the senators agree in the verdict. If guilty, he can be removed from office and disqualified from holding any other office.

SUGGESTIVE QUESTIONS

What is the judicial department? Name the grades of Missouri courts.

Name the classes of disputes which are brought before the courts. Explain a civil suit. Explain a criminal case. Who is the plaintiff? Who is the defendant?

How many justices of the peace in your township? How are they chosen? For what term? What kinds of cases are decided by them? What are the duties of the constable?

How is the circuit judge chosen? For what term? In what circuit do you live? When is the circuit court held in your county?

Name the officials of the circuit court. Explain the duties of the circuit clerk; the sheriff; the prosecuting attorney.

When and by whom may a person be arrested? Explain the preliminary trial. What is meant by bail? What is an indictment? What is an information?

How is a jury selected? Who are witnesses? What is necessary for a verdict in criminal cases?

How do the proceedings in civil cases differ from those in criminal cases?

What is meant by an appeal? On what ground may it be taken? What action may be taken by the higher court on a case that has been appealed?

Name the two grades of courts to which cases may be taken on appeal. To which court are the more important cases taken?

How many judges compose each court of appeals? How are they chosen? For what term? Which is the court of appeals for your county?

How many judges of the supreme court? How are they chosen? For what term?

What is meant by impeachment? What officials may be impeached? How may they be impeached? How are they tried? What is necessary for a verdict of guilty?

PART IV

THE NATIONAL GOVERNMENT

CHAPTER XVI

THE CONSTITUTION OF THE UNITED STATES

Union among the Colonies. — The national government in the United States was brought into existence as a result of united action among the states. In order that we may understand how the states came to form this union, we must go back to the colonial period in American history. Each of the English colonies in America had its separate government. The different colonies soon found that they had some interests in common. For example, the French and Indians were a common danger, and united action against them was necessary. Some of the colonies which had established religious freedom feared opposition and persecution from the British king. Hence as early as 1643 four of the New England colonies formed a confederacy, under the name of "The United Colonies of New England," for mutual offense and defense. This confederacy continued until 1684, though little was accomplished in the later years.

The acts of the British government which led to the Revolution brought about union and united action

among all the colonies. In the Stamp Act Congress, held in 1765 to protest against the act of the British Parliament which taxed the colonies without their consent, nine of the thirteen colonies were represented by delegates. The protest was successful, and when in 1774 Great Britain passed other acts to which the colonists objected, another convention, called the First Continental Congress, was held, in which all the colonies except one were represented. As the British government insisted on the enforcement of these oppressive acts, the Second Continental Congress, to which all the colonies sent delegates, was held in 1775. This congress organized a continental army to oppose the British forces, and appointed George Washington as its general. Finally, when it was felt that Great Britain would not recognize the rights claimed by the colonists, this congress adopted the Declaration of Independence, which declared that the "United Colonies are, and of right ought to be, free and independent states."

Articles of Confederation. — The Revolution changed the colonies into states, and left each free to attend to its own affairs. From the beginning, however, there were some matters which no single state could manage, but which needed joint action by all the states. It was necessary to have an army and a navy and money to carry on the war. For some time these matters were looked after by the Continental Congress, which continued to meet each year. As each state had adopted a written constitution, it was felt that the united

government of all the states should be provided for in a similar manner. The Continental Congress adopted for this purpose a written document called the Articles of Confederation. This constitution could not go into effect until ratified by the legislatures of all the states. As some states objected to certain matters, the approval of the Articles of Confederation by all the states was not secured until 1781.

Before the final ratification of the Articles of Confederation had been secured, many people believed that the new constitution would not prove satisfactory. It was felt that the united government was not given enough power to act for the common welfare of all the states. This government could not raise revenue by taxation, and was thus unable to pay its debts or attend to many matters of importance. While it could call upon the states for money, it could not compel them to pay the necessary amounts. The states were suspicious of one another, and thus weakened the united government. Attempts were made to amend the Articles of Confederation so as to give the united government the power to raise money by taxation. An amendment could not be adopted without the consent of all the states, and this could not be secured.

Constitutional Convention of 1787. — After many unsuccessful attempts had been made to strengthen the government, Washington and other leaders were able to secure the calling of a constitutional convention to consider the situation. This convention met at Philadelphia in 1787. It consisted of delegates chosen

by the legislatures of all the states except Rhode Island, which did not send any representative. Washington was the president of the convention, and the other members were among the ablest leaders and statesmen of the country. Most of them were naturally interested in the welfare of their separate states, and there were many differences of opinion regarding the plan which should be adopted. As all felt that more power should be given to the united government, it was agreed that a new constitution should be drawn up. The differences of opinion regarding the form and powers of the new government were settled by compromise, and the Constitution of the United States was finally adopted.

Ratification of the Constitution. — The constitutional convention could not substitute the Constitution for the Articles of Confederation. It was necessary to have the consent of the states. As it was feared that not all the states would agree, the convention decided that the new Constitution should go into effect when ratified by nine of the thirteen states. Opposition to the proposed Constitution appeared in all the states. Many feared that it gave too much power to the national government and that the states would be weakened by it. In some of the states the opposition was very great, and it was not until June 21, 1788, that the consent of nine states was secured. Two other states gave their consent in a short time, but North Carolina and Rhode Island did not ratify until after the new government under the Constitution had taken the place of that provided by the Articles of Confederation.

The National Constitution. — The members of the constitutional convention were familiar with the constitutions of the different states, and used these as models in framing the national Constitution. They knew that the best forms of government were those which had been used successfully. Hence they did not try to invent new forms, but adopted those which had been in use among the colonies and states. The Constitution of the United States provides for the three departments of government. Article I deals with the legislative department, or Congress, Article II with the national executive, and Article III with the national judiciary. In Article IV the Constitution regulates certain relations of the different states to one another and to the national government. Article V contains provisions for the amendment of the Constitution, while Articles VI and VII deal with miscellaneous matters.

The Constitution as adopted did not contain any bill of rights such as we found in the state constitution. This was one important objection urged against the adoption of the Constitution. Some of the states in ratifying the Constitution insisted that it should be amended as soon as possible in this respect. When the new government under the Constitution was put into operation, ten amendments were adopted. These amendments, with those adopted after the Civil War, are considered the bill of rights of the national Constitution.

Federal Government. — The government established

by the Constitution is called a *federal* government. In a federal government, the powers are divided between two classes of governments, — the governments of the states and the government of the nation, or national government. This division of powers in the United States is made by the Constitution. As we have seen, the states at first were independent and had all powers of government. It was found necessary, however, to take some powers away from the states and give them to the national government. This was done by the Constitution. The national government has only such powers as have been granted to it in this way. The states keep all powers which were not granted by the Constitution to the national government, except certain powers which are not given to any government but are kept by the people. The states cannot interfere with the exercise of any power granted by the Constitution to the national government. On the other hand, the national government must not act in any matter which has been left for regulation by the states. If either the state or the national government interferes with any power belonging to the other, the Supreme Court of the United States will declare its act to be unconstitutional and void (page 73).

Amendment of the Constitution. — As we have seen, Article V of the Constitution contains the amending clause. Of the different methods provided, only one has been used. The amendment is proposed by a two-thirds vote in each house of Congress. It is then sent to the legislatures of the different states, and if three

fourths of these approve the amendment, it is ratified as a part of the Constitution. It is a very difficult matter to get so large a number of states to agree. This is one reason why the Constitution has not been amended many times. Only nineteen amendments have been adopted. Of these, the first ten, as we have seen, were adopted as a bill of rights immediately after the Constitution went into effect. The Eleventh Amendment, which prevents a person from suing any state, was adopted in 1798. The Twelfth Amendment, modifying the system of electing the President, was adopted in 1804. The Thirteenth, Fourteenth, and Fifteenth Amendments, which were adopted between 1865 and 1870, were intended to abolish slavery and to protect the negroes and other persons in their personal, property, and political rights. In 1913 the Sixteenth and Seventeenth Amendments were adopted. The former gives Congress full power to levy an income tax. The latter provides for the election of United States senators by direct vote of the people of the states. The Eighteenth Amendment, adopted in 1919, prohibits the manufacture, sale, or transportation of intoxicating liquors for beverage purposes. The Nineteenth Amendment, adopted in 1920, gives women the same right to vote as men in all the states. Many other amendments have been proposed. Most of them have failed to secure the necessary vote in Congress, while some which passed Congress were not approved by enough state legislatures.

SUGGESTIVE QUESTIONS

What was the Stamp Act Congress? the first Continental Congress? What was done by the Second Continental Congress?

Why were the Articles of Confederation adopted? How were they adopted? Why were they unsatisfactory?

Explain the constitutional convention of 1787. What models were followed in framing the Constitution? How was it ratified?

Did the Constitution as adopted contain a bill of rights? How was one secured?

What is meant by federal government? How does the Constitution divide powers between the states and the national government? How is each government prevented from interfering with a power belonging to the other?

Explain the usual method for amending the national Constitution. Compare with the method used in Missouri. How many amendments to the national Constitution have been adopted?

CHAPTER XVII

THE NATIONAL LEGISLATURE

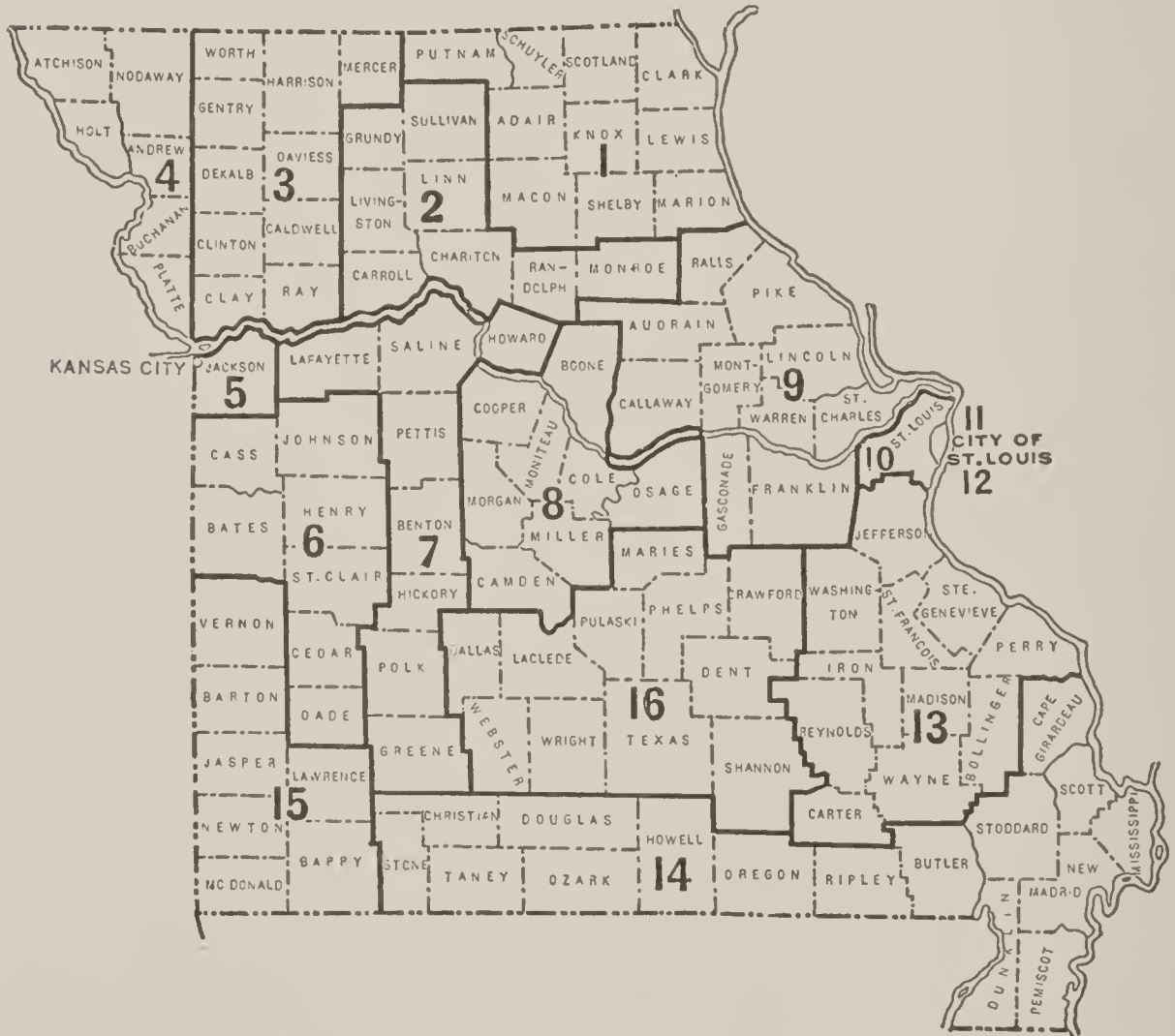
The Congress. — The national legislature is called the Congress. Like the state legislature it consists of two houses, which have the same names as the two houses of the general assembly of Missouri, — the *house of representatives* and the *senate*. At first the framers of the Constitution were unable to agree regarding the composition of Congress. The states with a small population insisted that each state should have an equal vote, as they feared that any other rule would give the large states too much power. The large states, on the other hand, demanded that representation in the national legislature should be in proportion to population. They argued that the people and not the state should be represented, that as the large states would pay more taxes, they should have a larger number of members of the lawmaking body. For a time it seemed that no agreement could be reached on this matter in the constitutional convention. It was finally decided as a compromise that representation in one house should be proportional to population, while in the other each state should be equally represented.

The House of Representatives. — The house of representatives is that part of Congress in which each state is represented according to its population. Once

in ten years Congress fixes the total number of representatives and the number to be chosen from each state. In doing this it makes use of a number called the *ratio* of representation. The population of each state is divided by this ratio, and the quotient gives the number of its representatives. The quotient will usually consist of a whole number and a fraction; if the fraction is greater than one half, a representative is allowed for it. At first the ratio was 33,000. As the population of the states changes, it is necessary to have a change in the *apportionment*, or distribution of representatives among the states. The Constitution provides that a *census*, or enumeration of the population, shall be made every ten years. A new apportionment of representatives is made after each census. As the total population increases, Congress changes the ratio after each census, as otherwise the size of the house would be too large. If the ratio to-day were still 33,000, the total number of members in the house of representatives would be about 3000. The present number of members is 435, and the ratio that was used in apportioning them to the states is 211,877. The population of Missouri is 3,293,335, which contains the ratio 15.54 times, thus giving the state 16 members of the house of representatives. Under the Constitution each state is given at least one representative, no matter how small its population. This applies now especially to Nevada, whose population is less than half the ratio.

Representatives in Congress are elected directly by

the qualified voters of the states. Their term of office is only two years. The method of apportionment, direct election, and short term which obtain for the members of the house of representatives bring them closer to the people. As a rule they act more quickly in accordance with public opinion than do the members



CONGRESSIONAL DISTRICTS.

Adapted from Official Manual, State of Missouri, 1911-1912.

of the senate. Hence the house of representatives is called the popular branch of Congress.

Congressional Districts. — Each state which has more than one member of the house of representatives

is divided by the state legislature into as many districts as it has members. Each of these congressional districts elects one member of the house of representatives. The law requires that the congressional districts shall be as nearly as practicable equal in population and shall be formed of compact and contiguous territory. In order to gain an advantage over its opponent, a political party in control of a state legislature may violate this rule by making some districts much larger than others. The districts are arranged in such a manner that the party will be able to elect representatives from the smaller districts, thus securing a larger number than its votes entitle it to have; in some cases the counties which form the districts are so distributed that one party can elect all the representatives from a state. This plan of arranging districts unfairly is called *gerrymandering*.

The Senate. — The senate differs from the house of representatives in many important respects. We have seen that each state is represented equally instead of according to its population, as in the house of representatives. This makes it possible for the senate to be opposed to a measure which has passed the house of representatives and is desired by a majority of the people but not by a majority of the states. Thus, for example, Missouri has 16 votes in the house of representatives, while the states of Arizona, Delaware, Idaho, Montana, Nevada, New Hampshire, New Mexico, Utah, Vermont, and Wyoming combined have a total of only 15 votes. These ten states, however,

have 20 votes in the senate, while Missouri has only 2. As each state has only two senators, the senate is much smaller than the house. At first it contained only 26 members, but the increase in the number of states has raised its membership to 96.

The manner of electing its members was until recently another important point which distinguished the senate from the house of representatives. United States senators were elected by the legislature of their state. This method is called *indirect* election, to distinguish it from the *direct* method by which the people themselves elect an official. For a long time there had been a strong demand for an amendment of the Constitution which would permit the direct election of United States senators, and this was finally secured in 1913 when the Seventeenth Amendment to the Constitution was adopted. In November, 1914, the people of Missouri for the first time chose a United States senator by direct election. This method makes the senators more responsive to the public opinion of the people of their state. It also relieves the state legislature from the politics which was connected with the election of United States senators. Frequently the contest over the election of a United States senator would take up weeks or months of the session of a state legislature, and thus cause the members to lose sight of the real purpose for which they were chosen. Under present conditions, however, the people express directly their choice for United States senator and the state legislature is left free to transact the legislative business of the state.

Term of Senators.—Another feature in which the senate differs from the house is in the term of its members. Senators are elected for a term of six years. The terms of all members do not end at the same time, as in the case of the house. The senators are divided into three equal groups, and the terms of all members of one group end once in every two years at the close of the term of the representatives. Thus, for example, the terms of the first group end on March 4, 1913, of the second group on March 4, 1915, and of the third group on March 4, 1917. It will be seen that in this way the senate is never dissolved, and that at all times at least one third of the senators have been in office for four years, while two thirds have served for at least two years. Because of reëlections, there are many senators who have served for much longer periods. In the house of representatives a large proportion of the members are not reëlected, and as the terms of all end at the same time, a new Congress usually contains a large number of representatives who have had no experience as members of Congress. The longer term, and smaller membership of the senate make it more conservative than the house and less subject to the influence of popular demands.

Vacancies in the Houses.—If a representative or senator dies while in office, or resigns, or if a vacancy arises in any other way, the governor of the state calls an election for the purpose of choosing a successor, who serves for the remainder of the term. When senators were elected by the state legislature the gov-

ernor of the state could appoint some one to hold until the state legislature could elect a successor. This is not provided under the new plan, though the legislature of the state may authorize the governor to make temporary appointments until the people can fill the vacancies at a general or special election as may be directed by the legislature.

Qualifications of Members. — A person cannot be a member of the house of representatives unless he is at least 25 years of age and has been a citizen of the United States for seven years. In the case of senators the qualifications are higher, the age requirement being 30 years, and the length of citizenship nine years. As a matter of fact most senators and representatives are much above the age required in the Constitution. Residence in the state is also required of senators and representatives. While the law does not require a representative to be a resident of his congressional district, this is practically required, as the people would not elect any one who did not live in the district. No person holding office under the executive or judicial departments of the national government may be a member of either house of Congress.

Salary and Privileges of Members. — The Constitution provides that members of Congress shall be paid for their services. At first they received \$6 a day. This compensation was later changed to a salary, which now amounts to \$7500 a year. In addition each member is given mileage; that is, an amount for traveling

expenses, which varies according to the distance from his home to the capital. As it is important that a member of Congress shall be able to attend its sessions, the Constitution gives him the privilege of freedom from arrest during the sessions and in going to and returning from the same, in all cases except treason, felony, and breach of the peace. In order that he may be free to act in his legislative duties it is provided that he cannot be held responsible by any individual for anything which he may have said in the course of debate in Congress.

Officials of the Houses. — We saw that in the Missouri legislature each house elects its own officials. The same rule obtains in Congress. The Vice President of the United States is president of the senate, but a president *pro tempore* is elected by the senate to preside in the absence of the Vice President. The house of representatives elects a speaker as its presiding officer. There are also selected by each house a secretary (in the house, called clerk), sergeant at arms, doorkeeper, chaplain, postmaster, and librarian. Each house has also numerous clerks, pages, etc.

SUGGESTIVE QUESTIONS

Why are there two houses of Congress? Give their names. Which is called the popular branch of Congress? Why?

How many representatives in Congress? How many from Missouri? How is this number determined? In what congressional district do you live? Who is your representative?

How many senators in Congress? Name the senators from Missouri. How are they nominated? How are they elected?

Compare the terms of senators and representatives. Explain the classification of senators. How are vacancies filled in each house?

Compare the qualifications of senators and representatives. Explain their salary and privileges.

Name the officials of each house. How are they chosen?

CHAPTER XVIII

PROCEEDINGS IN CONGRESS

Sessions of Congress. — The sessions of Congress are held at the capitol in Washington. Annual sessions are held, beginning on the first Monday in December. As the terms of members of Congress do not begin until March 4, the first session of each Congress is not held until December of the year after the election; that is, thirteen months after such election. This session, which is known as the long session, usually lasts more than six months, and sometimes is much longer. The second session is known as the short session, and cannot continue more than three months, as the terms of the representatives and of one third of the senators are ended on March 4. Special sessions of Congress may be called by the President, but this is done only for very important reasons. The session is adjourned or closed by agreement of the two houses.

Rules of Order and Procedure. — In legislative bodies business could not be carried on without regular rules. As in Missouri, the Constitution makes a majority of the members of each house a quorum. It also gives each house power to make its own rules of procedure. Each house may punish its members for disorderly behavior, and by a two thirds vote may expel a member.

How Acts of Congress are Passed. — The legislative proceedings in the two houses are similar to those which exist in the general assembly of Missouri (page 84). Any member of either house may introduce a bill, except that bills for raising revenue can be introduced only by a member of the house of representatives.¹ A bill which has been introduced is read by title and referred to a committee. After the committee makes its report, the bill may be read a second time and put on the *calendar*, or list of bills awaiting action by the house. When the bill is reached in due order or the house decides to take it up out of its turn, the bill is read a third time. It may be debated, and amendments to it may be adopted. In order to pass, a bill does not need a majority of all the members of the house as is the case in the general assembly of Missouri. A majority of the members present is sufficient, provided a quorum is present.

After having passed one house the bill is then sent to the other house, where it must go through the same proceedings. If new amendments are adopted, the bill must be sent back to the first house. If the latter does not consent to the amendments, the bill is usually sent to a conference committee consisting of members appointed by each house. If this committee can come to an agreement, the houses usually act in accordance with its report. Otherwise the bill will fail to pass.

¹ As the senate may amend these bills, this does not give a great advantage to the house.

As in Missouri legislation, the chief executive has ten days in which to sign or veto a bill. Differing from the rule in Missouri, however, the bill becomes a law without his signature if he does not veto it within ten days, except when Congress adjourns before the end of the ten-day period. If the President vetoes a bill, he returns it, with a statement of his objections, to the house in which it was first introduced. If each house then passes the bill by a two-thirds vote, it becomes a law, notwithstanding the President's veto. In the national government the rule regarding the time when laws go into effect is different from the Missouri rule. Any law passed by Congress goes into effect as soon as signed by the President or when passed over his veto; unless a different date is fixed by the law itself.

The Committee System.—In both houses of Congress the committees exercise great influence upon legislation. This is due to the fact that so many bills are introduced that it is impossible for either house to examine them and select the best ones. Hence the committees must have power to do this. A committee can usually defeat any bill by making an unfavorable report or failing to make any report. The committee may also amend a bill before reporting it back to the house. A bill which has been recommended for passage by a committee has a great advantage.

The great influence of the committees is due to the fact that in each house they represent the political party which is in the majority in that house. Each

house appoints the members of the different committees, but the selection is really made by the majority party, which secures for itself the chairman and the majority of the members on practically all committees. In the house of representatives the members of the committees were formerly appointed by the speaker. It was felt that this gave the speaker too much power, and in 1911 this privilege was taken away from him.

Debate in Congress. — There are so many members of the house of representatives that it is not possible to have the freedom of debate which exists in smaller bodies. If the rules did not prevent, a group of members could at any time, by continuous debate, prevent the house from carrying on its business. Hence rules have been adopted which limit the number and length of speeches by any member. In addition, the house may close the debate at any time by a majority vote. In the case of important measures the committee on rules usually recommends that discussions be limited to a certain period, which is often fixed at only a few hours.

The senate, for a long time, was a small body and did not need rules for limiting debate. The privilege of freedom of debate was preserved, so that a senator could speak on any subject as long and as often as he wished. The senate has now become a much larger body, and unlimited debate makes it difficult to transact business, for members sometimes take advantage of the situation to prevent the passage of a bill. Near the close of the session, when time is limited, a few

members, by insisting upon debating a bill which they are opposing, will threaten the defeat of that and other important bills. In 1917, this led to the defeat of an important measure that had been recommended by the President and was approved by more than three fourths of the Senate. The Senate then changed its rules so that debate may be limited by a two-thirds vote.

The Speaker of the House.—The speaker of the house of representatives is a much more important official than the Vice President, who presides over the senate. This is due to the fact that the speaker is chosen by and represents the majority party in the house, which is not the case with the Vice President in the senate. The speaker as the leader of the majority in the house has great influence over legislation. As we have seen, he formerly appointed the committees. He was also a member of and controlled the important committee on rules. Opposition arose on account of his great powers, and in 1910 he ceased to have the right to appoint or be a member of the committee on rules. In the next year the house decided that it would elect all committees.

While these acts have decreased the power of the speaker, he still remains an important official. As one of the leaders of the majority party, his opinion has great influence with the committees and with the house. As presiding officer he can influence the debate by recognizing or refusing to recognize members. No member can take part in the discussion until recognized by the speaker.

Influence of the President. — We have seen that the President may call special sessions of Congress, and has a veto upon bills which have passed both houses. He has also the right to make recommendations to Congress regarding legislation. He sends an annual message at the opening of each session, and special messages from time to time. If the President belongs to the same political party as the members of the majority party in the houses, he can exercise much influence over their acts. He is a great party leader, and most of them consider it their duty to support his policies. In most cases the President rewards his supporters by permitting them to name the postmasters and other national officials appointed in the states or districts. This is a bad policy, as it does not secure the best officials for public service.

Other Influences upon Legislation. — Congress is subject to the same kind of influences which were noted in connection with the state legislature. As the questions which come before Congress are of greater importance, we find that lobbying, both proper and improper, obtains on a much more extensive scale than in the state legislatures.

SUGGESTIVE QUESTIONS

When does Congress meet? Explain the long session; short session; special sessions.

Explain the method of passing laws in Congress. How does the vote required differ from that in Missouri? Explain the veto power of the President.

Explain the committee system. Why have the committees so much power? How are they chosen?

Give rules regulating debate in the house of representatives ; in the senate. Explain the difference. Show the results of the difference.

Why is the speaker a more important official than the Vice President ? How has his power been reduced in recent years ?

How may the President influence legislation by Congress ? To what other influence is legislation subject ?

CHAPTER XIX

PRINCIPAL POWERS OF CONGRESS

Enumerated Powers. — The state legislature has power to legislate over any matters which are not denied to it, or given to the national government. The powers of Congress, on the other hand, are said to be enumerated; that is, are set forth in detail in the Constitution. It can act only with regard to matters which have been delegated to it. This enumeration of the powers of Congress is found in the Constitution, Article I, Section 8, and Article IV. In considering these powers, we may group them as follows: Revenue and Expenditures, Military and Naval Affairs, Commerce, Money, Postal System, and Miscellaneous.

I. Revenue and Expenditures

Kinds of National Taxes. — Congress is given the power to levy any kind of tax except export duties; that is, taxes on goods which are sent to foreign countries. While Congress can levy *direct taxes* on property, it does not do this, for two reasons. Taxes of this kind form the chief source of revenue of the states and local governments. It is not a good plan to have the same thing taxed by both national and state governments. The second cause is the fact that the Constitution, Article I, Section 9, Paragraph 4, requires

Congress in collecting direct taxes to apportion them among the states according to their population and not according to the value of the property taxed. As the value of property in one state may be double that in another state, the population being the same, the rate of the tax in one case would be half as high as in the other. This is such an unjust method that it is used only in time of war, when the government needs revenue from all sources. The taxes levied by the national government are *customs duties* and *internal revenue taxes*. The Constitution, Article I, Section 8, Paragraph 1, provides that these duties and taxes shall be uniform throughout the United States. While Congress may levy different rates on different articles, the rate on a certain article must be the same in all of the states.

Customs Duties. — Customs duties are also known as *imposts*, or *taxes on imports*, and are levied on goods that are imported; that is, brought into the United States from foreign countries. The tax rate may be *specific* or *ad valorem*. A specific rate is levied without regard to the value of the article, as a rate of one cent a pound on sugar or ten cents on a pair of gloves. An *ad valorem* rate is a certain proportion of the value of the imported article, as 40 per cent of the value of cloth or hats. Some rates are made high so that foreign goods, after the import duty has been paid, cannot be sold for as low a price as the same things grown or manufactured in the United States. Rates of this kind form what is called a *protective tariff*, as they are intended to protect home production against foreign goods by making it

impossible to import such goods at a profit. It is claimed that this protects home labor against the cheap labor of other countries. The protective tariff is opposed by those who are in favor of making the rates chiefly or entirely for revenue purposes. As such rates are much lower, it is claimed that the cost of goods to the consumer will be reduced. All goods imported from foreign countries must be brought into the United States at certain places called *ports*. The taxes are paid to a collector before the goods can be taken away by the owner. St. Louis, Kansas City, and St. Joseph are ports, and have United States officials who collect customs duties.

Internal Revenue Taxes. — Internal revenue taxes are also called *excises*. A large amount of revenue has come from taxes on manufactured tobacco, including cigars and cigarettes. Oleomargarine and a number of other articles are also taxed. In 1909, a tax was imposed upon the net income of corporations and in 1913 this was extended to individuals, the rate increasing with the amount of income. After the United States entered the World War the rate was greatly increased and the tax became the chief source of revenue. Taxes are also levied upon large estates left by deceased persons, the rate increasing with the size of the estate.

In order to collect these taxes the entire country is divided into internal revenue districts, each of which has a collector of internal revenue. There are two such districts in Missouri: the collector of one is at

St. Louis, and of the other at Kansas City. The collector furnishes stamps to the amount of the taxes, excepting inheritance and income taxes. The stamp must be placed upon the barrels, boxes, etc., containing the things taxed. The income from internal revenue taxes is larger than that from all other sources, amounting to more than three fourths of the total revenue of the United States. The receipts from the postal system constitute the only other large source of revenue of the national government. There are also a number of miscellaneous sources from which revenue is received. See the table on page 173.

National Debt. — Taxes and other ordinary sources of revenue are usually sufficient to meet the expenses of the government. In time of war, however, or when an unusually large expenditure must be incurred for any purpose, it is necessary to borrow money. As the government cannot raise a sufficient amount even by increasing the rates of taxation, Congress has been given power to borrow money in any way and to any amount. The usual plan is for Congress to authorize the executive to borrow the amount needed and to issue bonds for the same. In 1916, the total amount of the interest-bearing debt of the United States was \$971,562,590. Two thirds of this amount was the balance of the debt incurred during the Civil War. As a result of the World War the debt of the United States was increased to more than \$25,000,000,000.

During the Civil War the government paid a high rate of interest on its bonds. This rate was gradually

reduced until the World War, when it again increased. To-day most of the debt bears $4\frac{1}{4}$ per cent interest. The United States has in addition a comparatively small debt which bears no interest. The greater part of this debt consists of United States notes to the amount of \$346,681,016, which are described later, under the powers of Congress relating to money. From the total debt, on the other hand, should be subtracted the large amount of money on hand in the national treasury, or deposited to the credit of the United States; this amounts to several hundred million dollars.

Expenditures. — The receipts from taxation and all other sources of revenue must be deposited to the credit of the national treasury in Washington. The collectors deposit their funds in national banks and federal reserve banks. No money can be paid out of the treasury except in accordance with appropriations made by Congress. The expenses of the government have increased enormously in recent years. Before the Civil War the annual expenditures did not exceed \$85,000,000. By 1914 they exceeded \$1,000,000,000. During the World War they increased more than ten times and to-day are about four times as great as before the war. The chief increases have been for interest on the debt, for the army and navy, for military pensions, and for the postal system.

National Receipts and Expenditures for 1920. — The following table shows the total ordinary receipts and expenditures for the year ending June 30, 1920:—

REVENUE

Customs Duties	\$ 323,536,559
Internal Revenue Taxes.	5,399,149,245
Postal System	437,150,212
Miscellaneous.	972,688,963
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Total	\$7,132,524,979

EXPENDITURES

Postal System	\$457,101,166
Military Pensions	213,344,204
War Department	1,103,568,471
Navy Department	632,690,267
Other Executive Departments	1,597,522,518
Congress	19,739,708
Judiciary	17,608,995
Federal Control of Transportation	1,038,614,901
Interest on Public Debt	1,024,024,440
<hr/>	
Total	\$6,104,214,670

II. Military and Naval Affairs

War Powers. — Congress has the sole power of declaring war with foreign countries. It is also given the power to provide an army and navy, and to make rules for the government of the land and naval forces.

The Army. — The land forces of the United States consist of the army and the militia. While Congress has full power to determine the number of soldiers, it has always been the national policy to have a small standing army. As late as 1898, at the time of the war with Spain, it included only about 25,000 men. The acquisition of the Philippine Islands, Porto Rico, and

Hawaii made a larger force necessary and in 1915 the army numbered about 100,000. It was increased during the World War to more than 3,500,000 but has since been reduced to about 150,000. Officers for the army are trained at the United States Military Academy at West Point, New York.

The militia is the military force of the states (page 97). Congress provides the system for organizing, arming, and training the militia, but the actual control and government is left to the states except when the militia is called into the service of the United States. Under a law of Congress, the President may call the militia into the national service whenever he finds this necessary. In 1921, the total strength of the militia of all the states was about 132,000.

The Navy. — The naval forces of the United States consist of the navy and naval militia. The navy was increased after the Spanish-American War and during the World War. In 1919 the navy of the United States, counting vessels then building, included 50 battleships and about 1,000 other fighting vessels. The organized strength of the navy was 123,516 enlisted men and 8,729 officers, in addition to 21,003 men and 1,046 officers of the marine corps. The officers of the navy are trained at the United States Naval Academy at Annapolis, Maryland. The naval militia is the naval force of the states; it embraces a small number of men and officers.

Military Pensions. — The national government has granted pensions to soldiers disabled in war, and has provided for the families of those who were killed.

Before the Civil War, payments for pensions were not large, but since that time the sums paid out have reached enormous figures, amounting to more than the entire cost of the war. These large amounts are due to the fact that Congress has granted pensions to all persons who served during the war, regardless of the question of disability. Compensation has been provided for those who were disabled during the World War.

III. Commerce

National Regulation. — If none of the acts of commerce extended beyond the boundaries of a state, there would be no need of national regulation, as satisfactory control could be secured by each state. Many commercial transactions, however, arise between residents of different states. This is called interstate commerce. In many cases, also, citizens of foreign countries have trade relations with Americans. This is called foreign commerce. As these matters need uniform rules, Congress was given the power to regulate foreign and interstate commerce.

Foreign Commerce. — We have already seen how Congress regulates foreign commerce by levying duties on imports. Laws have also been passed regarding navigation and vessels in the interest of passengers and seamen. Quarantine regulations are made in order to prevent contagious diseases from being brought in from foreign countries. The power to regulate foreign commerce gives Congress the right to control *immigration*; that is, the coming of foreigners into the

country. At first no restrictions were made, as immigration was needed for the development of the country. At present, however, the laws exclude certain classes, such as paupers, criminals, illiterates, insane persons, and persons with contagious diseases. Asiatic laborers, and persons who make contracts for labor before coming to the United States, are also excluded.

Interstate Commerce. — At first Congress did not find it necessary to pass many laws regarding interstate commerce; but the building of railroads and the growth of large corporations led later to many important regulations. Beginning in 1887, Congress has passed many laws to regulate railroads and similar corporations engaged in interstate commerce. An *interstate commerce commission* of eleven members appointed by the President administers the laws which affect rates of service and the safety of passengers and employees. The growth of large corporations and trusts led to the enactment of laws prohibiting undesirable business methods in interstate commerce. A *federal trade commission* of five members appointed by the President supervises the administration of these laws. Congress has also passed laws for the inspection of meat, and pure food laws for preventing the adulteration and misbranding of foods and drugs so far as these articles enter into interstate or foreign commerce.

Weights and Measures. — Weights and measures are of great importance to commerce. Congress has the power to establish a system for the United States, but has used this power to only a slight extent. As a

result the matter has been regulated by the states, which have followed the old English system instead of the modern metric system, now used in most civilized countries. Under an act of Congress, the metric system may be used, but this is not obligatory.

IV. Money

Coins. — Money, as the standard of value and a medium of exchange, is of great importance to commerce. Congress has full power to determine the kinds of money which can be used throughout the United States. There are two kinds, — coins, or metallic money, and paper money. Coins are either gold, silver, nickel, or copper. Gold is used for the larger denominations; silver for the dollar, half dollar, quarter, and dime; nickel for the five cent piece, and copper for the cent. Coins are made in the four government mints, located in different parts of the country.

Gold and Silver Certificates. — There are six kinds of paper money in the United States, — gold certificates, silver certificates, treasury notes, United States notes, national bank notes, and federal reserve notes. As gold and silver coins are not convenient to carry in large amounts, the law permits any one to deposit such coins in the United States treasury and receive certificates for the same amount. The coins are kept in the treasury to redeem such certificates at any time.

Treasury Notes. — Between 1890 and 1893 the government purchased a large amount of silver and paid for it by issuing treasury notes. Most of these notes

have been redeemed, and only a small amount remain in circulation.

United States Notes. — During the Civil War the government did not raise enough money by taxation and loans to meet its expenses. Hence it issued United States notes, called “greenbacks,” each of which was a promise to pay a certain amount. These notes were made *legal tender*; that is, persons were obliged to accept them in payment of debts. They represent a part of the national debt, but do not bear interest. The government redeems these notes in coin, but they are put into circulation again, as it is the policy not to retire them. The amount is not increased or diminished.

National Bank and Federal Reserve Notes. — Congress gives national banks the right to issue paper money called bank notes. These notes are the promises of the bank to pay the amounts named. Under a law of 1913 the country is divided into twelve districts, and the banks in each district form a federal reserve bank, which issues federal reserve notes. These notes will gradually take the place of national bank notes. A federal reserve board of seven members appointed by the President supervises the entire federal reserve system.

Amount of Money in the United States. — The total amount of money in the United States on July 1, 1920, was \$7,894,498,099. The sum of \$1,806,943,012 was in the treasury of the United States and the federal reserve banks, and the remainder was in circulation. The following table shows the amount of each kind of money in circulation in the United States:—

Gold Coin.	\$ 839,244,553
Silver Coin	386,257,855
Gold Certificates	390,665,365
Silver Certificates	118,257,883
United States Notes	337,113,852
Federal Reserve Notes	3,318,284,078
Treasury Notes	1,656,227
National Bank Notes	696,075,274
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Total in circulation	\$6,087,555,087

SUGGESTIVE QUESTIONS

Why are the powers of Congress said to be “enumerated”?
What are the principal classes of its powers?

What kinds of taxes are levied by Congress? Why does it not levy direct taxes?

What are customs duties? How are they collected? What is meant by a protective tariff? Why is it favored? Why opposed?

What are internal revenue taxes? Name the most important taxes of this class. How are they collected? In what internal revenue district do you live?

What is the amount of the national bonded debt? For what purposes was this debt created?

How are national expenditures authorized? What are the chief items of expenditure? What are the chief sources of revenue?

What has been the national policy regarding the size of the army? What is its present size? What is the strength of the militia? How may it be used by the national government? Give the organized strength of the naval forces. Explain the system of military pensions.

What kind of commerce is regulated by the states? by Congress? Name some of the regulations of foreign commerce; of interstate commerce. Why was Congress given the power to regulate weights and measures?

Name the two kinds of money; the different kinds of coined money; the different kinds of paper money. What is legal tender? Are national bank notes legal tender? What are federal reserve notes?

CHAPTER XX

POWERS OF CONGRESS (POSTAL SYSTEM, ETC.)

The Postal Business. — The Constitution gives Congress the power to establish post offices and post roads. In the beginning of the government this work was practically limited to what was necessary for carrying the mail. The postal business has constantly increased not only in amount but in the different kinds of things attended to. Its importance is shown by the fact that it costs more money than any other department of the government. Its income, however, is usually sufficient to pay its expenses. As the postal system is of great importance not only to commerce but to social life and welfare, the government does not try to make a profit, but aims to make the service to the people as good and as cheap as possible. The principal divisions of the postal business are the carrying and delivery of the mail, money orders and postal savings banks, and the parcels post.

Mail Service. — Letters, postal cards, newspapers, books, etc., are included under mail matter. The government carries the mail on railroads, steamships, and other conveyances. For purposes of delivery, post offices are established in cities and villages. In cities which have 10,000 or more inhabitants or which do a postal business of at least \$10,000 a year, there is

free delivery of mail to residences and places of business. *Rural free delivery*, which was first tried in 1897, has been rapidly extended to practically all country districts which have passable roads. In 1915 there were 43,710 carriers in this service. *Special delivery* service is provided in cities, so that for a ten-cent stamp in addition to the regular postage a letter can be delivered immediately after its arrival at the post office. In order to secure safe delivery, valuable letters or packages may be *registered* at a cost of ten cents. In case of loss the owner is paid the value, not exceeding \$50.

Money Orders and Postal Savings Banks. — In order to furnish people a safe and cheap method of sending money from one place to another the post office sells *money orders*. A person pays the postmaster the amount of the order plus a small fee. The person to whom the order is sent can collect the amount at the post office in his city. In 1910, Congress provided for *postal savings banks* at post offices. These are intended to provide a safe place for the investment of small amounts of money. Any one can deposit with the postmaster any amount between \$1 and \$1000. The sums deposited draw interest at the rate of 2 per cent a year. The deposit of an additional amount up to \$1000 without interest is permitted.

The Parcel Post. — While the government for a long time carried small packages by post, a *parcel post* system was not introduced until 1913, when packages not exceeding eleven pounds in weight were carried at low rates which varied according to distance. The plan

met with success and in 1914 the rates were reduced while the weight limit was increased to twenty pounds for long distances and fifty pounds for short distances.

National Territories. — The United States owns territory which it has acquired by treaty and in other ways. As this territory is not part of any state, the Congress has full power to make all laws which are necessary for its government. It is divided into two kinds of territories, besides the District of Columbia.

We have seen how the national government divided its public lands into districts called territories and provided for their government until they were admitted as states. Since the Constitution was adopted, Congress has admitted 35 states, of which all but 6 passed through the territorial stage of government before being admitted into the Union. The present territories are of two kinds, — representative and non-representative. In the representative territories both houses of the legislature are elected by the voters, and the government is similar to that of the states except that the governor and judges of the supreme court are appointed by the President. Hawaii, Porto Rico, the Philippine Islands, and Alaska are the territories of this kind. It is only in Hawaii and Porto Rico that the native inhabitants are given full citizenship, and their legislatures have greater powers than those of the other territories. In 1916 the islands of St. Thomas, St. John, and St. Croix were purchased from Denmark, but Con-

gress did not provide a permanent form of territorial government for them. The Panama Canal Zone, the Samoan Islands, and Guam have no representative government. Their affairs are attended to by officials appointed by the President. It is probable that neither Hawaii nor any of the other territories will be admitted as states, because of the character of their population and their distance from the United States.

District of Columbia. — The District of Columbia, which is about 70 square miles in area, was ceded by Maryland to the United States to become the national capital. Congress makes all the laws for this district. The administration of local affairs is in the hands of three commissioners appointed by the President.

Reservations. — Congress has full power to control all matters relating to those Indians who still live in tribes. The lands on which these Indians live are called Indian *reservations*, and are under the control of Indian agents appointed by the President. Congress has also provided for military and forest reservations as well as for national parks. The national government has property for forts, dockyards, naval stations, post offices, customhouses, etc., all of which are managed in accordance with acts of Congress.

Most of the Indian, forest, and other reservations were created out of the *public lands* of the United States. Nearly two thirds of the entire area of the United States was included at one time or another in the public lands. These lands were surveyed (page 48),

and a large part sold to settlers at low prices. Grants of public land were made to states for purposes of education and internal improvements. Corporations were also given lands to aid in building railroads. In 1920, the public lands which had not been sold, given away, or included in reservations amounted to about 200,000,000 acres, in addition to about 360,000,000 acres in Alaska. Most of these lands are in the western states, and cannot be used for farming because of lack of water. Congress has made provision for the irrigation of a large area of these lands. The public lands are sold through public land offices in the different states which contain such land. The land office is in charge of a register, who issues certificates to those who purchase lands. The *patent*, or deed to the land, is later issued from the general land office at Washington. Practically all land in Missouri was originally public land, but all of this has been disposed of except a very small amount in a few counties.

Patents, Copyrights, and Trade-Marks. — The Constitution gives Congress the power to legislate regarding patents and copyrights. A *patent* gives to one who makes a new invention the exclusive right for a limited period to manufacture and sell it. Congress has fixed this period at seventeen years. A *copyright* is a similar privilege which can be secured by one who has written a book, composed music, or produced a work of art. It gives to such a person the sole right to print or sell the article of which he is the author. The term

of a copyright is twenty-eight years, but this may be renewed for another term of equal length. A *trade-mark* is a certain symbol or sign adopted by a merchant to indicate his business or the goods which he manufactures. As Congress has not been given power regarding trade-marks, they are protected by state laws. Congress may protect them so far as the goods enter interstate or foreign commerce, and a law exists for this purpose.

Naturalization. — We have already seen that citizens are either native-born or naturalized, and we have studied the process of making an alien a naturalized citizen (page 21). Congress has provided this method, and has full power over the matter.

Bankruptcy Legislation. — A person whose debts are greater than his money or other property is called a *bankrupt*. If he gives his creditors all his property he should be free from further liability so that he may have another chance to engage in business. Congress has power to pass uniform laws regulating bankruptcy in the United States. If Congress does not act, the states may regulate this matter. In 1898, Congress passed a national bankruptcy law which is still in effect.

Legislation regarding Crime. — In the states the legislatures have the power to make laws regarding crimes. Congress has been given power of this kind in only a few cases. It provides for the punishment of piracy and other crimes committed on the high seas, and offenses against the law of nations. A citizen who engages in war against the United States or assists

its enemies is guilty of treason. Congress provides the punishment for treason and also for counterfeiting, which is the crime of making coins or paper to circulate as money.

Legislation regarding Governmental Organization. — The Constitution provides for only the important or fundamental organization of the government. Other matters of governmental organization are left to be regulated by Congress. Thus most of the executive, administrative, and judicial offices are provided for by Congress, which fixes the powers, duties, salary, and other matters connected with them.

Implied Powers. — While Congress has only such powers as are granted or enumerated, it is not limited to those expressly mentioned in the Constitution. Article I, Section 8, Paragraph 18, of the Constitution provides that Congress shall have power to make all laws which shall be necessary and proper to carry its express powers into execution. These are called *implied powers*, and individuals and political parties have differed regarding the extent of such powers. Some insist that they shall be strictly limited to such as are absolutely necessary, while others believe in giving Congress the power in all cases in which it is desirable to have it act. An example of an implied power is the creation of national banks. Congress is not expressly authorized to do this. But it is given the express powers to borrow money and collect taxes, and it was held that it must have the implied power to create banks to assist it in these matters.

Restrictions upon Congress. — The Constitution has placed some restrictions upon the powers granted to Congress. We have noted some limitations upon its revenue powers (page 168). There are other restrictions which are intended to protect the individual in his personal and property rights. Most of these can be found in the Constitution, Article I, Section 9, and in the first ten amendments to the Constitution.

SUGGESTIVE QUESTIONS

Explain the importance of the postal system. What different kinds of business does it include? What is a postal savings bank? Is there one in your county? Explain the parcel post.

Name the different classes of territories. In what class is Hawaii? Porto Rico? the Philippines? Name the other territories and explain how they are governed. What is the District of Columbia? How is it governed?

For what purposes are reservations established? How are they governed?

How did the national government acquire the public lands? What has it done with these lands? What amount does it still own?

Explain a patent right; copyright; trade-mark; bankrupt law; treason; counterfeiting.

What is meant by the implied powers of Congress? Give two examples of such powers.

CHAPTER XXI

THE PRESIDENT (EXECUTIVE ORGANIZATION AND POWERS)

Presidential Nominations. — The chief executive of the United States is the President. The Constitution does not provide for his election directly by the people, but we shall see that custom has changed the rule so that the election is practically direct. We have already seen that at elections the voters must choose between persons who have been nominated by the political parties (page 27). Hence we must see how presidential nominations are made.

Each political party holds a national convention usually in June of the year in which a presidential election is held. Each state is usually entitled to twice as many delegates as it has senators and representatives in Congress. Thus Missouri has 36 delegates. In addition the territories and the District of Columbia are each permitted to send from two to six delegates. The delegates are usually selected by conventions made up of members who have been elected by the voters of the political party in the different counties of the state. In some states the delegates to the national convention are selected by a direct primary.

As there are 435 representatives and 96 senators, the delegates from the states amount to 1062. As

the Republican party does not give the full number of delegates to states which poll a small Republican vote, its national convention has less than 1000 delegates.

The convention is held in some city which furnishes a large hall for the meetings. A *platform*, or declaration of party principles, is adopted. Candidates are placed in nomination, and the roll of states is called for the choice of the convention. In the Republican national convention a majority vote is sufficient for the selection, but the Democrats require a two-thirds vote for this purpose. The person selected is declared the presidential nominee of the party. A nominee for Vice President is chosen by the convention in the same manner.

Presidential Election. — The Constitution provides that the President and Vice President shall be elected by electors who are chosen in the different states. Each state has as many electors as it has senators and representatives in Congress. Thus, Missouri has 18 presidential electors. These electors are nominated by the state conventions, and, if elected, are morally bound to vote for the person nominated by the national convention of their party. The names of the electors are placed on the ballot of their party under the name of their candidate for the President. The voter does not pay any attention to the electors, as he knows they will vote for the nominee of their party.

Within a day or two after the election in November, it is known which party has elected the most electors,

and hence the election of the President is settled. It is necessary, however, to go through the forms provided by the Constitution. The electors in each state meet at the state capital on the second Monday in January after their election and cast their ballots for President and Vice President. The votes are sent to the president of the United States senate, and on the second Wednesday of February they are counted in the presence of both houses of Congress. The candidates who have received a majority of all the votes are declared elected, and are inaugurated as President and Vice President on the fourth day of March.

If no one has received the votes of a majority of all the electors, the election is left to the two houses of Congress. The senate decides between the two candidates for the office of Vice President who received the highest number of votes, while the house of representatives chooses a President from the candidates, not exceeding three, who have the highest number of votes for that office. In choosing the President the houses vote by states, the delegation of representatives from each state having one vote, and a majority of all the states is necessary to elect. If the house fails to choose a President in this manner, the Vice President becomes President.

Term of Office. — The President is elected for a term of four years. At the end of his term a strong President is usually elected for a second term. It has become a tradition, though not a law, that no one shall be elected President for more than two terms.

Qualifications. — A naturalized citizen cannot become President, as the Constitution restricts the office to native-born citizens. The President must be at least 35 years of age and have resided in the United States 14 years.

Compensation. — The President receives a salary of \$75,000 a year. He is furnished an official residence in the *White House*. He receives a large sum for expenses in connection with keeping up the house, grounds, etc.

The Vice President. — The Vice President is chosen in the same manner as the President. He is elected for the same term and must possess the same qualifications. He receives a salary of \$12,000 a year. As we have seen, the Vice President is the presiding officer of the senate. The chief purpose of the office, however, is to provide for the succession to the presidency. If the President dies, resigns, or is removed from office, or is unable for any reason to perform his duties, he is succeeded by the Vice President. Congress has provided that, in case there is no Vice President or he is unable to perform the duties of President, the heads of the executive departments shall succeed in a fixed order, beginning with the secretary of state. There have been five cases of presidential succession. Each was due to the death of the President, and the Vice President succeeded in each case.

Executive Powers. — The Constitution provides that the executive power shall be vested in the President, and that “he shall take care that the laws be faithfully

executed.” As a result of other powers which have been given to him, the President has full control over all executive and administrative officials of the United States and can use the entire civil and military forces to execute the laws. These other powers of the President may be classified as power of appointment and removal, control over foreign affairs, military powers, control over legislation, and the pardoning power.

Power of Appointment and Removal. — When we studied state and local government in Missouri, we saw that most of the officials were elected by the people. This was not the original rule, as during the colonial and early state periods the governor appointed practically all officials. The Constitution of the United States followed the original rule, with the result that the President and Vice President are the only national officials elected. All other important officials are appointed by the President. In most cases the approval of the Senate is required, but this is usually given. Practically all the less important officials are appointed by the heads of the executive departments. Appointments are usually made for a term of four years. The President has, however, the power to remove any official appointed by him, except the judges. This can be done at any time and for any cause. In this way the President has a control over all the officials of the administration and can direct them in the performance of their duties.

Civil Service and the Spoils System. — The civil service includes practically all the officials of the ex-

ecutive department except the officers of the army and navy. The extent of the business of the national government is shown by the fact that on July 31, 1920, there were 691,116 officials and employees in the civil service. Of these, less than 15,000 were appointed by the President. The great majority of the remaining employees have nothing to do with the policy of the government or the questions which divide political parties. They are clerks, postal employees, laborers, etc. It was the original rule for such persons to keep their positions as long as they gave good service. Beginning with the administration of President Jackson there was introduced the theory that "to the victors belong the spoils," which means that the political party which wins the presidential election has a right to reward its supporters by giving them government positions. This involved the removal of officials who belonged to the other political party. The adoption of this policy led to evil results. Many of the persons appointed were not qualified to perform the duties of the office. Good officials left the service of the government on account of the insecurity of their positions.

Civil Service Reform. — In 1881 President Garfield was assassinated by an office seeker who had failed to get an appointment. This called public attention to the evils of the spoils system, and in 1883 Congress passed the civil service law. This provides that persons who wish to enter the civil service must take examinations to show their fitness for the positions. Appointments are made from among those who receive

the highest grade on such examinations. A person who has received an appointment in this manner cannot be removed from his position except for just cause. Removals for political or religious reasons are expressly forbidden. A *civil service commission* of three members appointed by the President provides for the examinations and investigates violations of the civil service law and rules.

When the civil service law was passed, only a small number of the positions in the civil service were made subject to its provisions. The President was given power to extend the law to other parts of the service. The different Presidents have made so many extensions that on June 30, 1916, there were 296,926 positions subject to the civil service examinations. This number is nearly two thirds of the total civil service. Great improvement in the conduct of government business has resulted from this reform.

Control over Foreign Affairs. — The President, as the chief executive, represents the United States in all its relations with foreign governments. He appoints ambassadors, ministers, consuls, and other officials who reside in foreign countries and attend to matters which affect the United States or its citizens. Similar representatives are sent by foreign governments to this country. The privilege of sending these representatives, and other relations between the United States and foreign countries, are regulated by *treaties*, which are agreements made between them. The treaties to which the United States is a party are drawn

up under the orders of the President. They do not go into effect, however, unless they are ratified by a two-thirds vote of the senate, and then signed by the President.

Military Powers. — The Constitution makes the President commander in chief of the army and navy, including the state militia when it is called into the service of the United States. This gives very great power to the President. As we have seen, Congress determines the size of the army and navy and provides for their organization and government. It also has the power to declare war. The President, however, as the commander in chief, controls the movements of the troops and war vessels. By means of this power and his control over foreign relations, he may create a situation which will force Congress to declare war. During war his powers are practically unlimited, as he must be able to do whatever is necessary for the protection of the country.

Powers over Legislation. — In Chapter XVIII, dealing with Proceedings in Congress, we have studied the President's influence on legislation. He has the right to call extra sessions, send messages of recommendation, and veto bills which have passed both houses of Congress.

Pardoning Power. — The President has the power to grant reprieves, commutations, and pardons for offenses against the United States. This power is practically the same as that possessed by the governor of Missouri with relation to crimes committed against the state (page 93).

SUGGESTIVE QUESTIONS

Why is a national convention held? Explain its composition. How are delegates chosen? What is a "platform"?

What is meant by the indirect election of the President? How has the election been made practically direct? How many presidential electors does Missouri elect? How are they nominated and instructed?

How are the votes of the electors counted? How many votes are necessary to an election? If no candidate receives enough votes, how is a President elected? a Vice President?

Who succeeds in case of a vacancy in the office of President? What is the rule if there is no Vice President?

What is the term of the President? State the custom regarding reelection.

What is the compensation of the President? What qualifications must he possess?

Explain the President's power of appointment and removal. Compare with that of the governor of Missouri. What is the spoils system? Explain civil service reform. What proportion of the offices are subject to the civil service rules?

What is the President's power over foreign affairs? Through what officials does he act? What are treaties? How are they made and ratified?

Explain the President's military powers; legislative powers; pardoning power.

CHAPTER XXII

EXECUTIVE DEPARTMENTS AND THE CABINET

The Executive Departments. — We have seen that in Missouri the execution and administration of the laws is divided among a large number of separate departments. Each department attends to only a few matters of administration. The national government has adopted a different plan. There are only a few departments, but each deals with a large number of important matters. The heads of the national departments are all appointed by the President, who may also remove them from office. In Missouri some are elected, while others are appointed by the governor, who does not have any general power of removal. In the national government, the President, having full power, can be held responsible by the people for the acts of the heads of departments and the general character of the government.

When the government was first organized under the Constitution, the Congress established the three executive departments of state, treasury, and war, and the office of attorney-general. The latter did not have many administrative duties attached to it, and was not made an executive department until 1870, when it became known as the department of justice. As

population and territory increased and the business of the government expanded, new executive departments were added as follows: navy (1798), post office (1829), interior (1849), agriculture (1889), commerce (1903), labor (1913), making ten in all. As a new department was established some matters would be transferred to it from the other departments. Thus, for example, naval affairs were originally under the war department.

The Cabinet. — The heads of the executive departments are also members of the President's cabinet. The cabinet is a council which advises the President regarding matters of governmental policy and administration. The President is not legally obliged to ask or follow this advice. As the members of the cabinet are usually important leaders of his political party, their opinions are of importance and usually have great influence upon the President. Members of the cabinet are appointed by the President. While the consent of the senate is necessary, it is usually given, as it is felt that the President should be free in selecting his advisers. Each of the members of the cabinet receives a salary of \$12,000 a year.

The Departmental Organization. — At the head of each department there is a secretary, except in the department of justice and the post office, where the titles are attorney-general and postmaster-general. Each head has one or more assistant secretaries. The departments are usually divided into *bureaus* or *offices*, and each of these generally includes several *divisions*.

The head of a bureau is usually called a *commissioner*, while the head of a division is a *chief*. All the clerks in a division are directed by and responsible to the chief. The division chiefs bear the same relation to the commissioner at the head of a bureau. An assistant secretary has several bureaus under his supervision, while the secretary or head looks after and controls the administration of the entire department.

Department of State. — The head of the department of state is the secretary of state. His duties are in part similar to those of the official of the same name in Missouri. He keeps the official documents of Congress, the treaties and proclamations of the executive, and a record of the acts of the President. He is also the custodian of the great seal of the United States. His most important duties, however, have to do with the administration of foreign affairs, which is placed in his department. There are eight bureaus in the department of state. The most important are the *diplomatic* and *consular* bureaus. The diplomatic bureau has charge of communications and proceedings with foreign governments. These are carried on by means of our ambassadors, ministers, etc., in foreign countries, or through similar representatives at Washington. The consular bureau has charge of communications with American consuls, who are located in the principal foreign cities. They look after the interests of our commerce in their consular districts and have important duties in connection with the laws regarding navigation, imports, naturalization, etc.

Department of the Treasury. — The secretary of the treasury is the head of the treasury department. His duties, which relate to revenue, expenditures, and money, are of the highest importance.¹ There are three assistant secretaries, of whom one deals with *customs service*, while a *commissioner of internal revenue* administers the laws regarding internal revenue taxation. There is a *treasurer* of the United States, with whom all money of the government is deposited, to be paid out only upon a warrant or order signed by the proper officials. There are a series of *auditors*, who pass upon accounts against the government. The *comptroller of the treasury* decides questions regarding the validity of any accounts, countersigns warrants, and supervises the bookkeeping of the government. The *register of the treasury* signs all bonds, treasury notes, and coin certificates issued by the government. The *comptroller of the currency* administers the laws regulating national banks, including their organization and examination and the issue of bank notes. The *director of the mint* has charge of all mints and the coinage of money. The *bureau of engraving and printing* attends to the engraving and printing of all paper money, bonds, postage and revenue stamps, licenses, etc. which are used or issued by the government.

In addition to the above, the treasury department deals with a number of miscellaneous matters. The *supervising architect* has duties in connection with public buildings of the government, such as customhouses,

¹ For an account of these matters see pages 168–173, 177–179.

post offices, etc. He purchases sites, makes plans for and looks after the construction of such buildings, and has charge of them when they are completed and in use. A *surgeon-general* is in charge of the *public health service*, which looks after the inspection of immigrants and quarantine matters. The *coast guard* is intended to save lives and property and prevent smuggling on the lakes and sea coast. It is a part of our military forces and in time of war is controlled by the navy. The *farm loan board* administers the federal system of rural credits. The *secret service* consists of a body of detectives who prevent revenue frauds and other crimes, such as counterfeiting.

Department of War. — The department of war deals with matters relating to the army. There are various offices and bureaus in the department which have in charge the furnishing of food, clothing, and transportation, arms and ammunition, medical service, etc. The *board of engineers*, which attends to the construction of fortifications and other military works, has also been given charge of the improvement of rivers and harbors. The *bureau of insular affairs* deals with matters relating to the government in the Philippines. The secretary and assistant secretary are civil officials, but the heads of offices and bureaus are army officers.¹

Department of the Navy. — The department of the navy has charge of naval affairs. It has bureaus dealing with navy yards and docks, the construction, repair, equipment, and navigation of war vessels, supplies,

¹ For a further account of the army, see page 173.

arms, ammunition, and medical service. As in the department of war, the secretary and assistant secretary are civil officials, but the heads of bureaus are naval officers.¹

Department of Justice. — The head of the department of justice is the attorney-general, who is the legal adviser of the President and the heads of departments. He has supervision over United States district attorneys and marshals, as well as federal prisons. He can direct the district attorneys regarding cases in which the United States is a party. When these cases come before the Supreme Court, he or some of his assistants represent the government.

Post Office Department. — The postmaster-general has charge of the postal system, which has already been described (page 180). He is assisted by four assistant postmasters-general, among whom are divided the different classes of business of the department.

Department of the Interior. — The secretary of the interior deals with a large number of important matters. The *public lands*, *patents*, *military pensions*, and *Indian affairs* are each under the charge of a commissioner. There is also a *commissioner of education*, who has charge of schools for natives in Alaska, and collects and publishes information regarding schools and education in general. The *director of the reclamation service* has charge of irrigation works on arid lands in the West. The *director of the geological survey* makes scientific investigations regarding geological structure and min-

¹ For a further account of the navy, see page 174.

eral resources, while the *director of mines* has duties in connection with mines and the safety of miners.

Department of Agriculture. — The secretary of agriculture deals with matters for the promotion of agriculture. He also administers the pure-food and meat-inspection laws. The department includes the bureaus of *animal industry, plant industry, chemistry, forest service, soils, entomology, biological survey, the weather bureau, states relations service*, and the offices of *public roads, markets and farm management stations*.

Department of Commerce. — This department promotes our commercial interests. It has bureaus of *commerce and manufactures*, which publish information relating to these subjects. The *census office* takes the census every ten years. The bureaus of *lighthouses, navigation, steamboat inspection service, and coast and geodetic survey* have duties in connection with the safety of navigation. The *bureau of standards* has charge of the national standards of weights and measures. The *bureau of fisheries* investigates food fishes, and maintains fish hatcheries.

Department of Labor. — This department promotes the welfare of the laborers of the United States. It has bureaus of *immigration and naturalization*, which administer the laws relating to those subjects. A bureau of *labor statistics* and a *children's bureau* collect and publish information of importance to the welfare of laborers and children.

Independent Bureaus. — There are also a number of special bureaus, commissions, etc., which are independ-

ent of any executive department. The interstate commerce and federal trade commissions (page 176), the federal reserve board (page 178), and the civil service commission (page 194) have already been considered. The *government printing office* attends to the printing and binding of government publications. It is managed by a *public printer* appointed by the President. The *library of Congress*, or the national library, is under the direction of a *librarian* appointed by the President. The *copyright office*, under a *register of copyrights*, is a division of the library, having in charge all matters relating to copyrights.

SUGGESTIVE QUESTIONS

Name the executive departments of the national government. How are these related to the cabinet? To what extent does the cabinet influence the acts of the President? Explain the general organization of the departments.

Explain the different classes of powers of the department of state. What are diplomatic affairs? What are consular affairs?

What are the general matters belonging to the department of the treasury? What are the duties of the director of the mint? of the comptroller of the currency? How many national banks in your county? Is there a national public building in your city?

What important matters besides the army are attended to by the war department? What kind of officials are at the head of the offices and bureaus in the war and navy departments?

Explain the duties of the attorney-general; of the postmaster-general.

What important matters are attended to by the interior department? the department of agriculture? the departments of commerce and labor? Is any official of these departments in your city? What is the weather bureau? What is the census office?

CHAPTER XXIII

THE NATIONAL COURTS

The National Judicial Power. — Most of the questions which need to be decided by judiciary can be settled in the courts of a state. There are some matters, however, which affect more than one state or which have to do with the national government. Hence the Constitution, Article III, provides for a system of national courts, and determines the powers which they may exercise. This judicial power includes :

First, all cases in which the question in dispute has to do with any law of Congress or treaty of the United States. Examples of these questions are matters relating to foreign affairs, foreign or interstate commerce, money, customs duties, internal revenue taxes, the postal system, Indians, territories, army, navy, and any department or official of the United States.

Second, suits to which the United States is a party, such as a dispute over the ownership of some land claimed by the national government.

Third, disputes between two or more states, such as a question regarding boundaries. These questions could not be settled in any one state court.

Fourth, suits between citizens of different states, such

as the enforcement of a contract by a citizen of Missouri against one who resides in Illinois. The suit may be brought in the courts of Illinois, but if the plaintiff thinks that these courts will be partial to their own citizens, he can have the suit taken to a national court.

Fifth, all questions affecting the Constitution of the United States and the division of powers which it makes between the states and the national government. If a state legislature passes a law regarding a matter over which Congress has been given control, or which has been prohibited to the states, the courts will declare the act unconstitutional. Thus, for example, a state law which related to the postal system would be invalid. The same is true of any act of Congress which relates to a matter over which it has not been granted power. Thus, an attempt on the part of Congress to regulate public schools in Missouri would be unconstitutional. There are three grades of national courts, — *district courts*, *circuit courts of appeals*, and *Supreme Court*. There are also some courts for special purposes, such as the *court of claims*, *court of customs appeals*, and *commerce court*.

The District Courts. — The district court is the national court of lowest grade. There is, in each state, at least one district court, which is held by a district judge. The populous states are divided into two or more districts, with a court in each district. In 1921, there were 99 district judges. Each district is usually divided into several *divisions*, and the court holds sessions at some place or places in each division. For

example, Missouri is divided into the *eastern* and *western* districts. The eastern district is divided into three divisions, and the district court holds sessions at St. Louis and Rolla in the *eastern division*, Hannibal in the *northern division*, and Cape Girardeau in the *southeastern division*. The western district has five divisions, and the court holds sessions at Kansas City in the *western division*, St. Joseph in the *St. Joseph division*, Jefferson City in the *central division*, Springfield in the *southern division*, and Joplin in the *southwestern division*. Those cases to which the judicial power of the United States applies are usually tried first in the district court.

The Circuit Courts of Appeals. — After a case has been determined in a district court, an appeal may be taken to a higher court. At first these appeals were taken directly to the Supreme Court. As the number of cases increased, it became necessary to relieve the Supreme Court of some of its burden. In 1891, Congress created the circuit courts of appeals. The entire country is divided into nine circuits, and there is a circuit court of appeals for each circuit. There are two or more circuit judges for each circuit. In addition, one of the justices of the Supreme Court is assigned to each circuit. The circuit court of appeals is usually held by three circuit judges, but the judge of any district included within the circuit may act in place of a circuit judge. The cases which are appealed from the district court go as a rule to the circuit court of appeals, which gives a final decision in most of such cases. Mis-

souri is in the *eighth circuit*. In this circuit, sessions of the circuit court of appeals are held each year at St. Louis, St. Paul, and Denver or Cheyenne.

The Supreme Court. — The Supreme Court is the highest court in the United States. It consists of a chief justice and eight associate justices. While one of these justices is assigned to each circuit and may act as a member of the circuit court of appeals, this does not actually happen. The business of the Supreme Court is so great that it takes all the time of the justices. The Supreme Court meets at the national capitol in Washington. While most of its cases come to it on appeal from the circuit courts of appeals, the district courts, or the state courts, there are some cases which are tried first in the Supreme Court. These are cases which affect ambassadors or ministers from a foreign country, and all disputes to which a state is a party.¹

Special Courts. — The United States cannot be sued in the regular courts, but an individual may bring such a suit in the *court of claims*. This court consists of a chief justice and four associate justices. If a claim is found to be valid, the court reports its finding to Congress, which makes the necessary appropriation to pay it. The *court of customs appeals*, which consists of a presiding judge and four associate judges, decides appeals regarding certain questions of administration of the tariff laws.

Appointment and Term of Judges. — We saw that in Missouri all judges are elected by the voters. In the

¹ See Constitution, Article III, Section 2, Paragraph 2.

national government the rule is appointment by the President with the consent of the senate. The term is also different, the judges of the national courts holding during good behavior, while the state judges are chosen for definite terms of years.

Compensation of Judges. — The Chief Justice of the Supreme Court receives an annual salary of \$15,000, and each of the associate justices \$14,500. Circuit judges are paid \$8500 a year, while district judges receive \$7500. After serving ten years any of these judges who is seventy years old may retire and receive his full salary for the rest of his life. These salaries are higher than those paid to most state judges. This fact, as well as the life term, enables the President to appoint good men, as the best lawyers and judges are willing to accept such appointments.

Court Officers. — The Supreme Court appoints its *clerk* and *marshal*. Each of the other courts appoints a *clerk*, sometimes for each place in which it holds its sessions. The President appoints a United States *attorney* and *marshal* for each district. The duties of the attorney with relation to the courts which meet in his district are similar to those of the prosecuting attorney in Missouri, while the marshal has duties similar to those of a sheriff. Both the attorney and the marshal act in accordance with the instructions of the attorney-general of the United States. As we have seen, the attorney-general or his assistants appear for the government in the Supreme Court.

Judicial Process. — The process in civil and criminal

cases in the courts of the United States is similar to that which we have discussed in Chapter XV, dealing with the State Judiciary. The Constitution of the United States, in Articles IV to VIII of the Amendments, guarantees to the individual practically the same privileges in judicial proceedings as are given by the constitution of Missouri.

Court of Impeachment. — Under the Constitution, the President and all civil officials of the United States, including judges, may be removed from office on account of treason, bribery, or other high crimes and misdemeanors.¹ The house of representatives makes the impeachment or charges. The senate as a court of impeachment tries the case. The rules governing the proceedings in such cases are similar to those described in connection with the process of impeachment in Missouri (page 142).

SUGGESTIVE QUESTIONS

What are the kinds of cases which are decided by the national courts? Give an example of each class of cases.

When may a national court declare an act of a state legislature unconstitutional? When will an act of Congress be declared unconstitutional?

Name the grades of national courts. Explain the organization of the district court. In which district do you live? In which division? Where does the court meet in your division? Who is your district judge?

Explain the organization of the circuit court of appeals. In which circuit do you live? Where is the circuit court of appeals held? How do cases come before it?

¹ Constitution, Article II, Section 4.

Explain the organization of the Supreme Court. How do cases come before it?

How are judges of the national courts chosen? For what terms? What salaries do they receive? Compare with the manner of choice, terms, and salaries of Missouri judges.

Name the officers of the national courts. How are they chosen?

What national officials are subject to impeachment? How may they be impeached? How tried and convicted?

CONSTITUTION OF THE UNITED STATES

WE the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2. 1 The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2 No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3 Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons.¹ The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each

¹ The last half of this sentence was superseded by the 13th and 14th Amendments. (See p. 229.)

State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4 When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5 The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SECTION 3. 1 The Senate of the United States shall be composed of two senators from each State, chosen by the legislature thereof for six years; and each senator shall have one vote.¹

2 Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.¹

3 No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4 The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5 The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

6 The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the chief justice

¹ Changed by 17th Amendment. (See p. 230.)

shall preside: and no person shall be convicted without the concurrence of two thirds of the members present.

7 Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SECTION 4. 1 The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

2 The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5. 1 Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

2 Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

3 Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

4 Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION 6. 1 The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any

speech or debate in either house, they shall not be questioned in any other place.

2 No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time ; and no person holding any office under the United States shall be a member of either house during his continuance in office.

SECTION 7. 1 All bills for raising revenue shall originate in the House of Representatives ; but the Senate may propose or concur with amendments as on other bills.

2 Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States ; if he approve he shall sign it, but if not he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3 Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States ; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8. 1 The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States ; but

all duties, imposts and excises shall be uniform throughout the United States;

2 To borrow money on the credit of the United States;

3 To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4 To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5 To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6 To provide for the punishment of counterfeiting the securities and current coin of the United States;

7 To establish post offices and post roads;

8 To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

9 To constitute tribunals inferior to the Supreme Court;

10 To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

11 To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12 To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

13 To provide and maintain a navy;

14 To make rules for the government and regulation of the land and naval forces;

15 To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

16 To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17 To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the government of the United States,¹ and to exercise like

¹ The District of Columbia, which comes under these regulations, had not then been erected.

authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings ; and

18 To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SECTION 9. 1 The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.¹

2 The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3 No bill of attainder or *ex post facto* law shall be passed.

4 No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5 No tax or duty shall be laid on articles exported from any State.

6 No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another : nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

7 No money shall be drawn from the treasury, but in consequence of appropriations made by law ; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8 No title of nobility shall be granted by the United States : and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

SECTION 10.² 1 No State shall enter into any treaty, alliance, or confederation ; grant letters of marque and reprisal ; coin money ; emit bills of credit ; make anything but gold and silver coin a tender

¹ A temporary clause, no longer in force. See also Article V, p. 224.

² See also the 10th, 13th, 14th, and 15th Amendments, pp. 227-230.

in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2 No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3 No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II

SECTION 1. 1 The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows:

2 Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there

be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.]¹

3 The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

4 No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

5 In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

6 The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

7 Before he enter on the execution of his office, he shall take the

¹ This paragraph superseded by the 12th Amendment. (See p. 228.)

following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

SECTION 2. 1 The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2 He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3 The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION 4. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation which shall not be diminished during their continuance in office.

SECTION 2. 1 The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; — to all cases affecting ambassadors, other public ministers and consuls; — to all cases of admiralty and maritime jurisdiction; — to controversies to which the United States shall be a party; — to controversies between two or more States; — between a State and citizens of another State;¹ — between citizens of different States, — between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

2 In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

3 The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3. 1 Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2 The Congress shall have power to declare the punishment of

¹ See the 11th Amendment, p. 227.

treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE IV

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION 2. 1 The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2 A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

3 No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3. 1 New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

2 The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; Provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

1 All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

2 This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3 The senators and representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States, and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names,

Go : WASHINGTON —

Presidt. and Deputy from Virginia

New Hampshire

John Langdon
Nicholas Gilman

Massachusetts

Nathaniel Gorham
Rufus King

Connecticut

Wm. Saml. Johnson
Roger Sherman

New York

Alexander Hamilton

New Jersey

Wil : Livingston
David Brearley
Wm. Paterson
Jona : Dayton

Pennsylvania

B. Franklin
Thomas Mifflin
Robt. Morris
Geo. Clymer
Thos. Fitzsimons
Jared Ingersoll
James Wilson
Gouv Morris

Delaware

Geo : Read
Gunning Bedford Jun
John Dickinson
Richard Bassett
Jaco : Broom

Maryland

James McHenry
Dan of St. Thos Jenifer
Danl. Carroll

Virginia

John Blair —
James Madison Jr.

North Carolina

Wm. Blount
Richd. Dobbs Spaight
Hu Williamson

South Carolina

J. Rutledge,
Charles Cotesworth Pinckney
Charles Pinckney
Pierce Butler.

Georgia

William Few
Abr Baldwin

Attest

WILLIAM JACKSON Secretary.

Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several States pursuant to the fifth article of the original Constitution.

ARTICLE I¹

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

ARTICLE III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

¹ The first ten Amendments were adopted in 1791.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reëxamined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI¹

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

¹ Adopted in 1798.

ARTICLE XII¹

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate; — The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; — The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

¹ Adopted in 1804.

ARTICLE XIII¹

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV²

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a senator or representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any

¹ Adopted in 1865.

² Adopted in 1868.

State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two thirds of each house, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV¹

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XVI²

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

ARTICLE XVII²

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of

¹ Adopted in 1870.

² Adopted in 1913.

election to fill such vacancies; Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

ARTICLE XVIII ¹

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

ARTICLE XIX ²

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

¹ Adopted in 1919.

² Adopted in 1920.

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A HISTORY OF MISSOURI



Thomas H. Denton.

A HISTORY OF MISSOURI

FOR THE GRADES

BY

JONAS VILES, Ph.D.

PROFESSOR OF AMERICAN HISTORY IN THE
UNIVERSITY OF MISSOURI



NEW YORK ·· CINCINNATI ·· CHICAGO
AMERICAN BOOK COMPANY

Copied

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HISTORY OF MISSOURI.

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PREFACE

It is the conviction of the writer that full advantage has never been taken of the value of Missouri history as a subject of study in the grades. The state has been regarded too much as an isolated community, and its history has been taught from the point of view of the local antiquarian. In this text an attempt has been made, first, to present the strictly local history as a development with continuity and definite meaning ; second, to describe Missouri's relations with the rest of the country and her share in national movements ; and finally, to describe somewhat fully those national events in which Missouri played a leading part. At the same time, the familiar events in local history are included, but given in their proper setting.

This treatment, it is believed, is well within the grasp of the grade school pupil, and this correlation with American history reveals the richness of content of Missouri history. At the same time a more adequate appreciation is given to Missouri's share in the development of the nation. Attention is called to the maps and the serious attempt to correlate Missouri history with Missouri geography, as suggested in the State Course of Study.

Perhaps the greatest problem of the teacher of Missouri history is the difficulty he finds in getting any

information for himself beyond that given in the text-book. To meet this difficulty the school library should contain at least the following books:—

E. M. Violette: "A History of Missouri"; D. C. Heath and Company.

W. M. Meigs: "Life of Thomas Hart Benton"; J. B. Lippincott Company.

Official Manual of the State of Missouri ("Blue Book"); to be obtained from the Secretary of State.

The questions at the ends of the various chapters of the text are intended to aid the pupil in his study and the teacher in classroom drill. The teacher is expected to supplement them in bringing out the meaning of the events discussed.

Suggestions or criticisms from teachers will be most cordially welcomed.

JONAS VILES.

COLUMBIA, MISSOURI.

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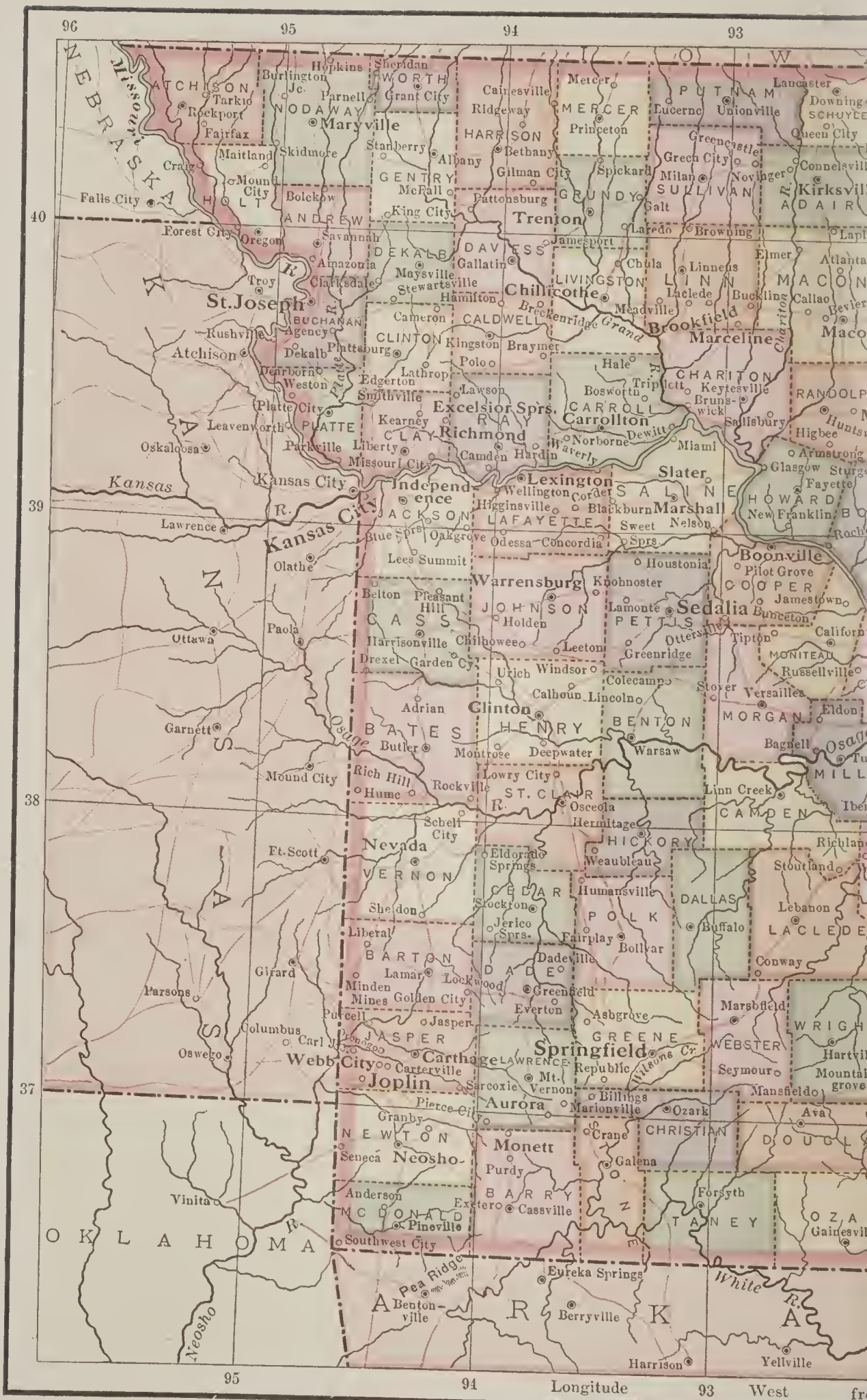
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A HISTORY OF MISSOURI

CHAPTER I

THE NATURAL ADVANTAGES OF MISSOURI

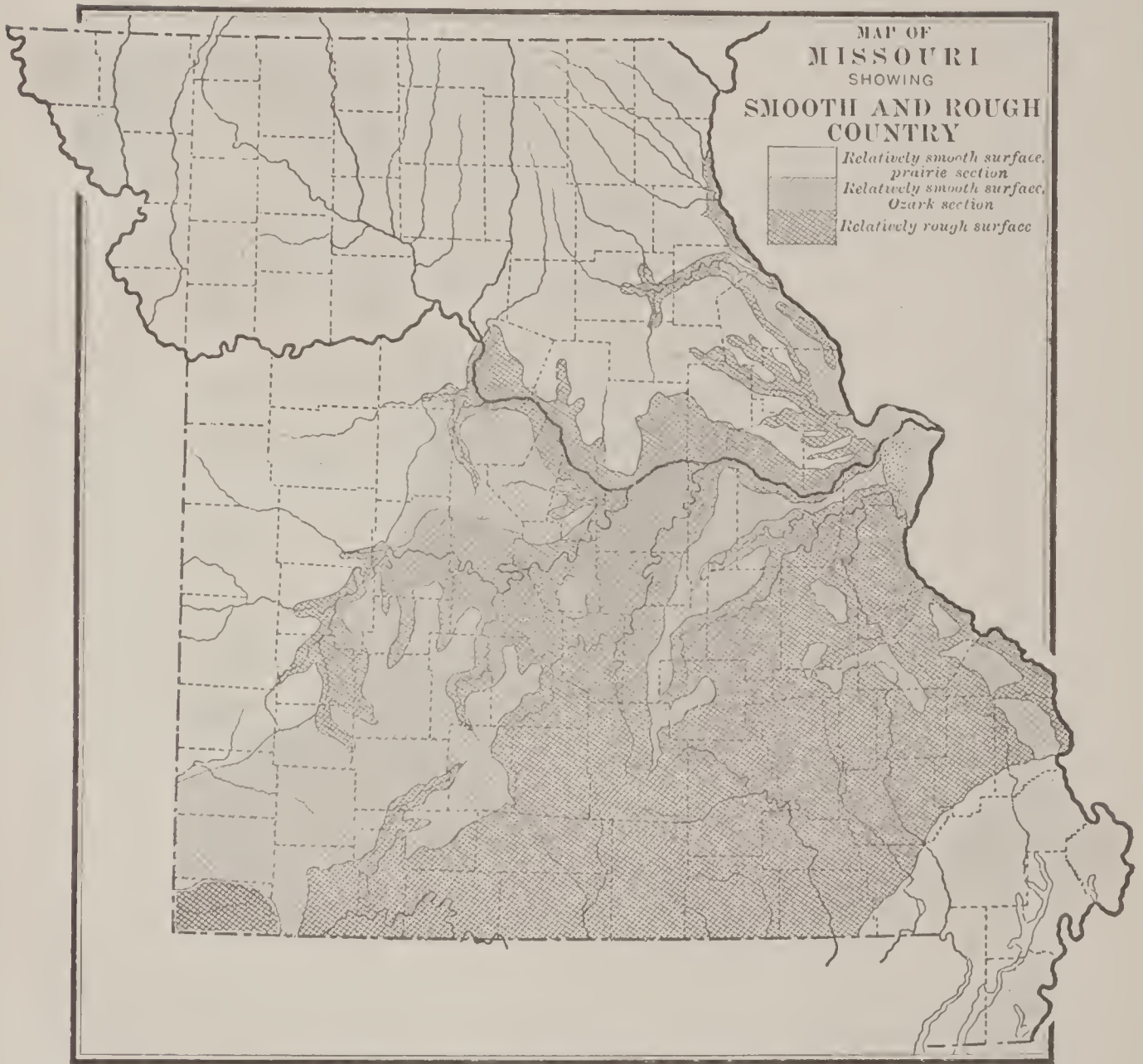
Geographical Advantages. — If you will study the map of the United States (on the opposite page) showing the rivers, plains, and mountains, you will see that Missouri has a fortunate location in the country. In the first place it lies within the Mississippi valley, which is the region in all the world best suited for the home of civilized man. Here soil, climate, and rainfall combine to give the greatest harvest. Within this valley Missouri has had certain advantages over her neighbor states. In the early days, before the railroads came, the rivers of the Middle West were its greatest highways. Of these, the Mississippi, the main artery of the valley, flows along one border of Missouri. The Missouri river, for years the gateway to Oregon, California, and the Southwest, flows through the state. The Ohio, the great highway for settlers from the East, empties into the Mississippi opposite its eastern border. Missouri was the crossroads for trade of the Mississippi valley, and trade between the East and the Far West.

Variety of Resources. — Missouri stretches so far from north to south, and has such a variety of soils,

that most of the great crops of the whole valley can be raised within her border. The cotton and tobacco of the South and the corn and wheat and fruit of the North all flourish. She is not altogether a prairie or agricultural state. In the southern part are the Ozarks, the only mountains in the whole valley. Here are rich mines of lead and zinc. Scattered through the state are great beds of coal. There is no state in the Union that could be more nearly self-supporting than Missouri.

Soils and Settlement. — The different kinds of soil in Missouri have had so much to do with her development that we must know something about them to understand her history. The Americans who settled the West and Missouri in the early days chose their homes where they found four things, — smooth country, good soil, timber, and running water. In Missouri they found running water almost everywhere, and plenty of timber except in the northern prairie section. So in Missouri the Americans usually settled where they found at the same time country smooth enough for farming and a fertile soil.

Surface. — North of the Missouri, as the map shows, almost all the land is smooth rather than rough. Only a small part along the lower Missouri and the Mississippi is really hilly and not so well suited to agriculture. South of the Missouri three of the four corners of this section are free from roughness. St. Louis county, the lowlands in the southeast, and the prairie southeast of Kansas City are all level or gently rolling districts.



In the Ozarks the smooth and rough country are scattered and intermixed, and so even to-day settlement is scattered in the same way.

Soils.—There are many different kinds of soil in Missouri, but they may all be described under five classes. First there are the bottom lands which stretch along the rivers and broaden out into the lowlands of the southeast. These are deep and wonderfully rich,

but very often poorly drained or often flooded. The very fertile brown loess soil is probably the most valuable. Most of this is found in two bands either side of the Missouri from about Boone county westward. The whole northwestern part of the state is of this type. It is the very best soil for corn and apples. The rest of the northern part of the state and the corner southeast of Kansas City are prairie soils, the soils that have made the Mississippi valley the granary of the whole country. Around the border of the Ozarks proper lies a belt of soils, most of which are good and some excellent. The soil in the highlands is mostly thin and stony and not very profitable for farming. Even in this district there are "pockets" of very fertile red limestone soil on the Meramec and St. Francis rivers.

Missouri, then, has had from the beginning great advantages for agriculture, trade, and mining. When the first white men came and the history of Missouri began, all this great storehouse of natural wealth was held by a few bands of wandering Indians. The history of Missouri is the story of how the white men conquered the wilderness and what use they made of these wonderful resources.

PROBLEM

What were the natural advantages of Missouri?

QUESTIONS

In what section of the United States is Missouri located? Why is that section so fortunate? What special advantages in this section has Missouri for trade? for agriculture? in other ways?

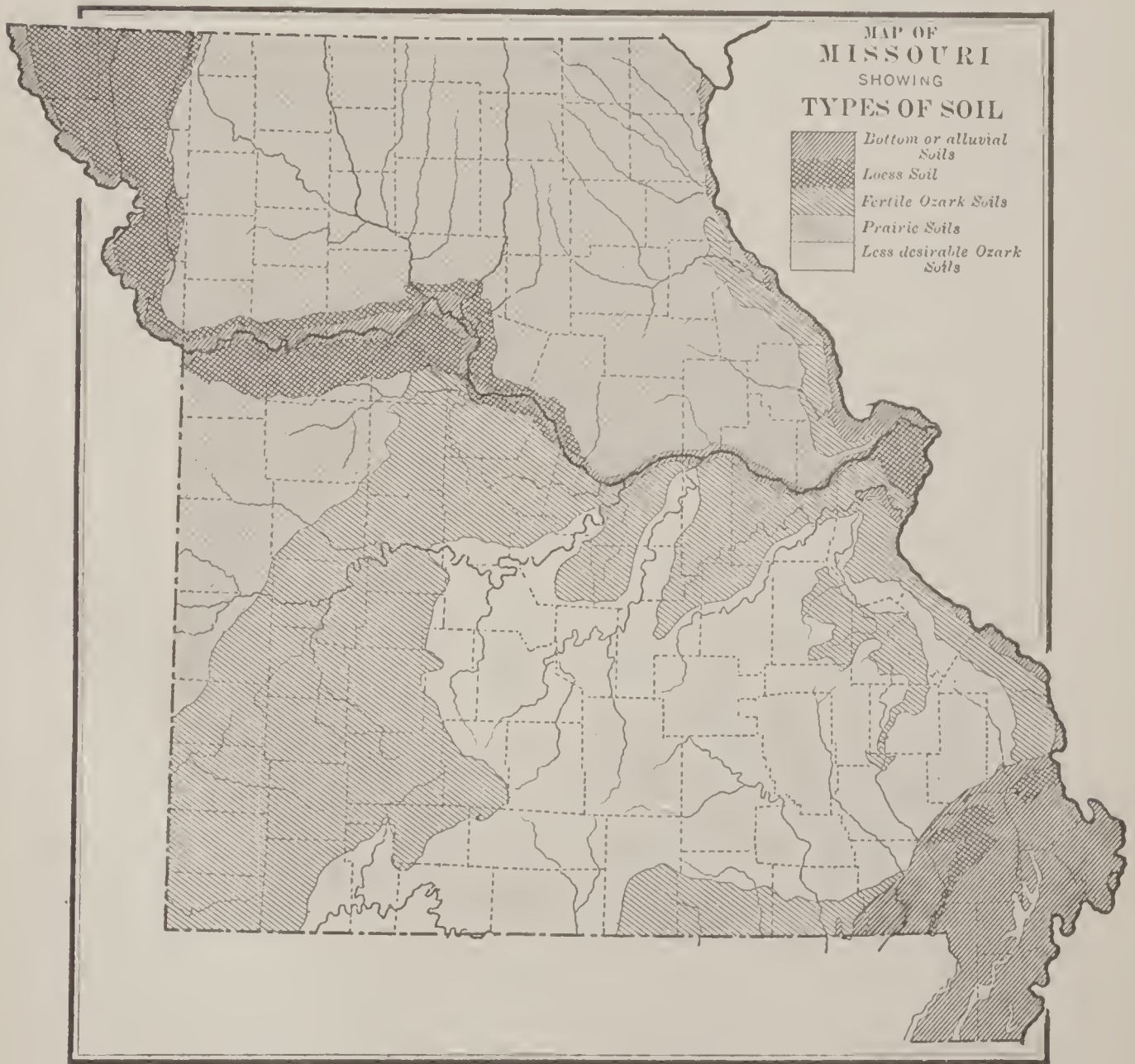
What four things attracted the pioneers? Which of these were most important in Missouri?

What parts of the state are smooth? What parts are rough?

What are the five types of soil in Missouri? What do you know about each? Where is each to be found?

Is your own county smooth or rough? What kind of soil is to be found there?

What is the history of Missouri?



CHAPTER II

THE EARLY SETTLEMENTS

Discovery of the Mississippi. — The first white man to see the Mississippi river was a Spaniard, Ferdinand de Soto. For three years he and his men wandered about from Florida to Arkansas, searching for gold. In the course of his wanderings De Soto discovered the Mississippi in 1541. He found no gold, and died, worn out by his exertions. His followers buried him in the great river he had discovered. It is possible that he or his followers reached what is now southeast Missouri. At any rate, he came and went, found no gold, and made no settlement.

The history of Missouri began with the coming of the French explorers. From their headquarters far away at Quebec and Montreal on the St. Lawrence, the French pushed farther and farther into the wilderness. Three different things led them on,—the fur trade, the conversion of the Indians, and the hope of finding a water-way to the Pacific. It was the last which led the first Frenchmen to the Mississippi. In 1673 Joliet and the missionary Marquette, with five other men, in two canoes, crossed over from Lake Michigan by a portage in what is now Wisconsin and reached the Mississippi. They floated down to the mouth of the Arkansas and

turned back. Almost ten years later, in 1682, La Salle reached the mouth of the Mississippi and took possession of the whole valley in the name of the king of France. But these men did not stop to explore the banks of the Mississippi; they were too much interested in finding out whether the river emptied into the Pacific and could be used as a highway to the East.

Kaskaskia and Ste. Genevieve.—The first Frenchmen to settle on the Mississippi were the French missionaries, who founded a station at Cahokia in 1699 and at Kaskaskia in 1700, on the Illinois side of the Mississippi. Canadian fur traders soon joined them, and the fertile bottom lands attracted French farmers from Canada. The “American Bottom,” as it was later called, was soon settled for some fifty miles from opposite the mouth of the Missouri southward.

Almost from the beginning these French traders and hunters were to be found on the Missouri river, and as time went on they pushed farther and farther westward to the great bend of the Missouri at Kansas City and beyond. Others heard from the Indians of the lead to be found on the Meramec and the St. Francis, and soon many went there every year. The lead ore was very near the surface and easily worked, so that deep mines and expensive machinery were not needed. But both the hunters and the miners for a long time kept their homes on the east bank of the Mississippi and went back there after every expedition.

Sometime about 1735, — we do not know the exact date, — some of them built their log cabins at Ste. Gene-

vieve and began the first permanent settlement in Missouri. These people chose Ste. Genevieve partly because it was on the way to the lead country, and partly because the fertile bottom land and the salt springs not far away made it a pleasant place in which to live. These first comers built their cabins near the river, and later, when the bank was washed away, were forced to move to the higher land where the town of Ste. Genevieve is located to-day.

St. Louis. — Meanwhile the news of the profitable trade in lead and furs had reached New Orleans, and several expeditions had been sent out to work the mines. Finally a wealthy merchant there decided to take part in the Missouri river fur trade. In the summer of 1763 he sent up the river an outfit of men and goods under Pierre Laclede Liguist, a native of southern France. Laclede, as he was always called, came first to Ste. Genevieve, where he expected to spend the winter, but he could not find any building large enough to hold his goods. He crossed over the Mississippi to Fort Chartres, where the French officer permitted him to store his outfit. Laclede then searched the west banks for the best place for his trading post. He finally decided on a low bluff a few miles below the mouth of the Missouri, the site of the present city of St. Louis.

As soon as the ice was out of the river the next spring, in 1764, Laclede sent his stepson Auguste Chouteau, a boy of twelve or thirteen, with men to begin the buildings, and a little later came over himself. A

band of Indians soon appeared to find out what these strangers were about, and proved a great nuisance. Laclede tried to set them at work digging the cellars, but only the squaws would work, so finally he drove them away by threatening to send for the French troops from across the river. The storehouse and the cabins were finished during the summer, and in the autumn Laclede brought over his outfit and his family. By the end of the year there were perhaps forty people at the trading post. Laclede was the leading merchant at St. Louis until he died, fourteen years later.

In the next two years the little trading post grew into a village of some hundreds of settlers, and Ste. Genevieve also increased rapidly in size. The newcomers were from the older villages across the river, from Cahokia, Kaskaskia, and Fort Chartres. They came when the English garrison arrived at Fort Chartres and Great Britain took possession of the American Bottom. After the last great struggle between France and Great Britain for the control of North America, in 1763, France gave up her claims east of the Mississippi to Great Britain, and west of the Mississippi to Spain. The little settlements along the Mississippi were so far away from the rest of the world that it was two years before an English garrison was able to reach Fort Chartres, and seven years before the first Spanish lieutenant governor established himself in St. Louis. The region was known as Upper Louisiana.

After this first rapid increase in numbers, St. Louis and Ste. Genevieve grew very slowly for more than ten

years. Then more French came from across the Mississippi when the Americans took control there. About 1787 there was a new movement of French from the old Northwest, from as far away as Vincennes, caused perhaps by the prohibition of slavery in the Northwest Territory by the Ordinance of 1787. After 1796 there was a steady and rapid growth, but this time the new settlers were Americans from Kentucky and Tennessee. When the American flag was raised at St. Louis in 1804, there were about 10,000 people in what is now the state of Missouri, about as many as are to be found to-day in Columbia or Jefferson City. About 1500 of the 10,000 were negro slaves; about 1000 of the total population was in the village of St. Louis. More than half the total population was American.

New Madrid, St. Charles, Cape Girardeau. — Meanwhile three new centers of settlement had been established. In 1789 a party of Americans under Colonel Morgan tried to found a colony at New Madrid. The plan failed because the Spanish government was unwilling to give them the great grant of land they wanted, but a few remained, who were joined later by more Americans and very many French. The land was rich, and the trade with the Indians here very profitable.

Perhaps a little earlier than the settlement of New Madrid, French traders and hunters on the Missouri settled at St. Charles, a more convenient place for them than St. Louis. When the Americans came, a large number settled on the rolling upland of what is now Cape Girardeau county, around the present town of

Jackson. There were American settlements also back in the lead country, in the smooth and fertile section around Potosi and Farmington. So there were in 1804 four villages, almost altogether French, at Ste. Genevieve, St. Louis, St. Charles, and New Madrid, and scattered settlements, chiefly American, along the Mississippi from New Madrid to St. Louis and some forty miles up the Missouri, and here and there in the interior, on the Meramec and the St. Francis.

PROBLEM

How the French came to Missouri and settled there.

QUESTIONS

Who was the first white man to see the Mississippi? What was he trying to do? What importance has his discovery in Missouri history?

Why did the French explore the West? Who were the early French explorers of the Mississippi? What land did the French claim?

Who were the first French settlers on the Mississippi? Where did they settle? Why were they interested in Missouri?

Where was the first French settlement in Missouri? When was it made? Why?

Why was St. Louis founded? What do you know about Laclede? About the building of the trading post?

Why did St. Louis grow so rapidly in the first two years? Why did Upper Louisiana grow so rapidly after 1787? after 1796? What new people came after 1796?

About how many settlers were there in Upper Louisiana in 1804? Where were the French? Where were the Americans? About how many Americans were there? How large was St. Louis?

Look on the maps on pages 17 and 19 and explain why the Americans settled where they did.

CHAPTER III

MISSOURI UNDER SPANISH RULE

The Coming of the Spanish. — When France was so badly beaten in the French and Indian War she gave up the Mississippi valley: all east of the river, except New Orleans, to Great Britain; New Orleans and all west of the river, to Spain. But the people in Upper Louisiana were far away from the rest of the world. It took three months to come up the river by boat from New Orleans, and still longer to come to St. Louis from New York or Philadelphia. So it was some years before the English and Spanish took possession. When the English troops finally reached Fort Chartres in 1765, Captain St. Ange, the French commander, moved his troops and government across the river.

As we have seen, very many of the French settlers followed him. It was five years later, in 1770, that the first Spanish lieutenant governor arrived and took control. This change from the French to the Spanish flag made surprisingly little difference to the people. Very few Spaniards came to Upper Louisiana except the lieutenant governors and a few soldiers. Spanish law differed very little from the French. French was still the language of the people and was used in the courts. Upper Louisiana remained French in everything but name.

Events in the Spanish Period. — Life out here in the wilderness was very uneventful. There were few Indians in the section of Missouri settled before 1804, and the French and Spanish understood how to keep them friendly. Once in a while some movement in the outside world reached this out-of-the-way part of the world. When George Rogers Clark with his little band of Virginians and Kentuckians came down the Ohio and captured Kaskaskia from the English in the Revolution, the French across the Mississippi were friendly and helped to feed his soldiers.

Two years later the French suffered for the aid they had given the Americans. A few English and many Indian allies came down the Mississippi from Canada to recapture Kaskaskia and occupy the whole valley. They failed at Kaskaskia, but some of the Indians crossed the river and attacked St. Louis. They seem to have been driven off from the village without great difficulty, but they killed or carried off a number of farmers from the country outside. The next year, in 1781, a small party of French and Spanish from St. Louis plundered an English trading post at St. Joseph, just southeast of Lake Michigan.

After this the old peaceful life returned. The Spanish government was much afraid of an English attack after 1795, but nothing came of it. Just how little happened may be seen from what the people thought of as important events. They had a way of naming the year after what seemed its most important happening. These are a few examples: the Year of

the Great Flood, the Year of the Smallpox, the Year of the Hard Winter, the Year of the Galleys, when nearly a hundred soldiers came up from New Orleans at one time!

Government under the Spanish. — The government of Upper Louisiana was very different from anything an American to-day would think tolerable. There were no elections, no legislature, no mayors or councils in the villages, nor even trial by jury. The Spanish lieutenant governor at St. Louis was very nearly absolute. He was commander of the Spanish garrison and of the local militia, he was chief judge, he could make local regulations or laws, control settlement, pass on land grants, and appoint the local officials; and, of course, he was responsible for the administration of the government and the enforcement of the law. Subject to the orders of the governor general at New Orleans his word was law: except in a very few unimportant local affairs the people had no voice in the government.

In form this was a military despotism. In practice it worked satisfactorily to French and Americans alike, for the governors used their powers very mildly. There were few lawsuits and little crime, and the cases which did come before the governors were decided promptly, cheaply, and justly. In fact, the Americans, for a time after the annexation to the United States, disliked the American courts and trial by jury because of the delays and the expense. In their lawmaking and administration the governors seem to have been

honestly anxious to promote the happiness and prosperity of the people. Some of them, particularly the last, Delassus, were eager to fill their own pockets, but they did this by land speculations and fraudulent land grants, at the expense of the Spanish government, not of the people. There is no record of any serious dissatisfaction with the government throughout the Spanish period.

Life in the French Villages. — Such a government could work well because, as we have seen, the population was small and because life was so simple that little government was needed. The French have always been a very social people, and in Upper Louisiana nearly all lived in compact villages and hamlets. Nearly all the young men, sometime in their lives, went up the Missouri and the Mississippi after furs, or into the St. Francis or Meramec valleys after lead, but all kept their homes in the villages and returned to them after their trips.

In the village the houses were strung along a few streets, often along only one, each house standing in a lot of some size, narrow but deep. The houses, which stood near the street, were built of logs set on end, the spaces between filled with clay or stone, with a long sloping roof forming a porch in front and rear. The better houses had a chimney in the middle and two rooms, one serving as parlor, dining room, and bedroom, the other as the kitchen. Back of the house were the negro quarters, — for most of the slaves were owned by the French, — and the barn and outbuildings.

In the rear were the vegetable and flower gardens and the orchard. The farms were outside the village, in one great common field fenced in at the common expense. Agricultural methods and tools were very primitive; the plows were of wood, and the hoes and mattocks heavy and clumsy.

Although they had no politics to take up their attention, the French did not lack interests and amusements. Card playing and billiards were favorite forms of amusement, and dances and balls came every week. Here all classes met on an equal footing, and in general society was very democratic. Much more attention was paid to courtesy and good manners than among the American pioneers. The religion of the French, with its many saints' days and festivals and impressive ceremonies, filled a large place in their lives. Altogether life seems to have been very pleasant in these old French villages. The people may have been somewhat lazy and not very enterprising, but all accounts agree that they were courteous, self-controlled, temperate, and happy.

The Americans. — The Americans preferred detached farms, where each one could be independent, and, except in New Madrid, they did not settle in the French villages. They lived in Missouri very much as they had lived in Kentucky and Tennessee, raising corn and wheat, having large numbers of stock which ran half wild on the range, and spending much time in hunting and in the fur trade. The American log cabin was built with the logs laid on the side, and commonly

consisted of two rooms or cabins with a space between, with one roof over all. Only the older and wealthier settlers were slave owners. Although actually more numerous than the French in 1804, the Americans were so scattered and so out of touch with the government that the French still dominated the district. As yet only a small beginning had been made in taking advantage of the opportunities in Upper Louisiana. The great developments came after the district became American.

PROBLEM

How the people lived under the Spanish rule.

QUESTIONS

How did France lose the Mississippi valley? What nations received it? Why did they wait so long to take possession? What effect did the coming of the English have in Missouri history? The coming of the Spanish? How far did Upper Louisiana remain French?

Why was there so little history under the Spanish? How did the French help George Rogers Clark? Why did the Indians attack St. Louis? What damage did they do? Where is St. Joseph? What happened there? What were some of the things the French thought important events?

How was the Spanish government different from our government to-day? What were the different powers of the lieutenant governor? Was the government satisfactory to the people? Why?

Why did the French live in villages? How did they make their living? How was the village built? How were the houses built? How were the farm buildings and gardens arranged? Where were the farms?

Was life in the French villages pleasant or unpleasant? Why?

What were the amusements? What were the strong points of the French? The weak?

Why did the Americans avoid the French villages? Where did most of them settle? What did the Americans do? How was the American cabin built? Was Upper Louisiana French or American in 1804? Why?

How much had been accomplished under the French and Spanish?

CHAPTER IV

THE WESTWARD MOVEMENT AND THE PURCHASE OF LOUISIANA

The Old West. — The coming of Americans to Upper Louisiana was part of that great westward movement which before 1803 had brought thousands of Americans across the mountains to Kentucky, Tennessee, and Ohio. This movement not only put the French settlements in touch with the United States and led many Americans across the Mississippi, but also was a most important factor in the Louisiana Purchase.

From the time the first settlements were made at Jamestown and Plymouth the colonists were pushing out into the wilderness, but for a hundred years they did not go much beyond the Tidewater plain along the coast. Early in the eighteenth century this country was filling up so rapidly that good land was becoming expensive and it was difficult for the immigrant without money to get a start in life. The later comers then pushed through the Tidewater into the rougher Piedmont, as the long slope from the plain to the mountains is called, and into the beautiful and fertile valleys of the mountains; that is, they went to sections where land could be had almost for the asking.

The greater number of the newcomers were Scotch-Irish, Presbyterians from the north of Ireland, or Germans. Living as they did in the back country, these frontier folk grew to be a different people from those of the older settlements along the coast. They were more enterprising and independent, fonder of moving from place to place, and more curious to see new country. They got much of their food and even their clothing by hunting, and moved on when the game grew scarce. Naturally after a time the more desirable parts of the Piedmont began to fill up, and the more adventurous spirits turned their attention to the country beyond the mountains. One of the earliest, and by all odds the most famous, of these pioneers who broke through the mountain barrier and began the American occupation of the Mississippi valley, was Daniel Boone.

Daniel Boone.—The story of the wanderings of the Boone family tells the story of the whole westward movement. Early in the eighteenth century Daniel Boone's grandfather landed with his family at Philadelphia and took up a farm in the Pennsylvania Piedmont. His son, Daniel's father, became a prosperous farmer, but when his eleven children were growing up there was no more cheap land in the neighborhood on which they would settle for themselves. Rather than see his family scattered he sold his farm, and with most of his family moved leisurely southward through the Piedmont some five hundred miles to the back country of North Carolina.

Here Daniel Boone married, built a cabin, and lived happily for some years. But as the settlers increased

in number the game was killed out, and he became restless and dissatisfied. Finally, a few years before the Revolution, with five companions he crossed through the mountains after a month of hard traveling, and, as he said, "saw with pleasure the beautiful level of Kentucke." For two years he roamed about, part of the time alone, living by his rifle, reveling in such hunting as he had never known. Then he returned to his family, sold out in his turn, and just at the opening of the Revolutionary War moved his family to the famous Kentucky blue grass.

After the Revolution the Americans followed in greater and greater numbers to both Kentucky and Tennessee. Boone moved ahead of the settlements in Kentucky, and finally, in 1799, migrated for a third time, to the Missouri river, to the very edge of settlement. Here, in what is now St. Charles county, Boone lived to a hale old age and died in 1820, eighty-six years old.

Americans in Missouri. — For a long time the Spanish did not welcome these pioneers when they tried to cross the Mississippi and settle on Spanish soil. They feared the Americans would prove rebellious subjects, and disliked their Protestant religion. After 1795 the Spanish government was more afraid that Great Britain would seize all of Louisiana, and encouraged American settlement to strengthen the colony. The Americans were given land, they were not molested because of their religion so long as they did not try to organize Protestant churches and hold public meetings,

taxes were almost unknown, and the Spanish government, as we have seen, was very mild. So more than five thousand Americans came to Upper Louisiana before the Purchase.

The Mississippi Question. — Another reason why the Spanish were more willing to admit them was that in 1795 the Spanish at last agreed that the Americans might have the free use of the Mississippi. This right was absolutely necessary for the prosperity of the men in Kentucky and Tennessee. When the settlers who followed Boone began to clear farms and raise corn and wheat and cattle, the soil was so fertile that they soon were producing more than they could use. These products were altogether too heavy and bulky to send to Richmond or Baltimore or Philadelphia over the rough roads and trails through the mountains, so the westerners built flatboats and floated them down the Ohio and the Mississippi to New Orleans.

Spain, however, soon became alarmed at the great numbers of Americans who were thronging into the Ohio valley, and feared that they would overrun Louisiana and annex it to the United States. In 1784 she began to seize the American boats when they reached the lower Mississippi, and forbade the Americans to use the river. There were other questions, too, at issue between Spain and the United States, which did not concern the West. For ten years after the Revolution the United States government tried to reach some agreement with Spain, but in vain. Spain even tried to persuade the Kentuckians to separate from the United States and be-

come Spanish subjects, and so secure the navigation of the Mississippi.

Spain Opens the Mississippi. — At last the United States lost patience, and Spain became alarmed lest we join Great Britain and force the opening of the Mississippi; so in 1795 she signed a treaty by which the Americans were permitted to send their corn and meal and flour and beef to New Orleans and transfer it there to seagoing vessels, without any interference.

Louisiana Given Back to France. — For five years all went well and the West was exceedingly prosperous. Then Napoleon forced or persuaded Spain to give Louisiana back to France, so that he might restore the French colonial empire lost in 1763. Spain was one of the weakest powers in Europe, and now that the Mississippi question seemed settled, no possible danger to the United States, while France under Napoleon was one of the strongest. If Napoleon sent an army of French veterans under one of his famous generals to New Orleans, he could not only close the Mississippi again but perhaps conquer all the West. And just as President Jefferson and the West were thoroughly alarmed over this retrocession of Louisiana to France, the Spanish officer at New Orleans withdrew the most important of the rights granted five years before, and closed the Mississippi.

The Louisiana Purchase. — The westerners were up in arms at once, and threatened to take matters into their own hands unless Jefferson acted promptly and vigorously. Jefferson sympathized with them, as he

always had done, but he was determined to avoid war. He accordingly sent James Monroe to France to try to purchase New Orleans and West Florida, so that the United States would control one bank of the Mississippi to its mouth. When Monroe reached France he found that the American minister, Livingston, had almost completed a treaty for the purchase of all Louisiana.

Napoleon had found it very difficult and expensive to reëstablish the French power in the West Indies, he was threatened with a new war in Europe, and was tired of his whole colonial scheme. So he suddenly gave up all his plans for colonial empire, and for \$15,000,000 sold Louisiana to the United States so that Great Britain might not seize it in the approaching war. The United States, by this purchase, more than doubled its size and area, settled the Mississippi question forever, and started on a career of expansion which has not stopped at the Pacific. This Purchase of Louisiana, which made what is now Missouri part of the United States, was one of the most important events in the history of our country; it is the first but by no means the last of the important events in our national history in which Missouri was very much concerned.

PROBLEM

How Missouri became American.

QUESTIONS

What was the Tidewater? the Piedmont? Why did the Americans push westward? What people settled in the Piedmont? How did they live?

Where did the Boone family first settle? Why did they move to North Carolina? When did Boone cross the mountains? Why did he move to Kentucky? to Missouri?

Why did not the Spanish want the Americans in Upper Louisiana? Why did they change their minds? Why were the Americans willing to live under the Spanish flag?

Why was the free use of the Mississippi so important to the westerners? Why did Spain close the Mississippi? Why did she finally open it?

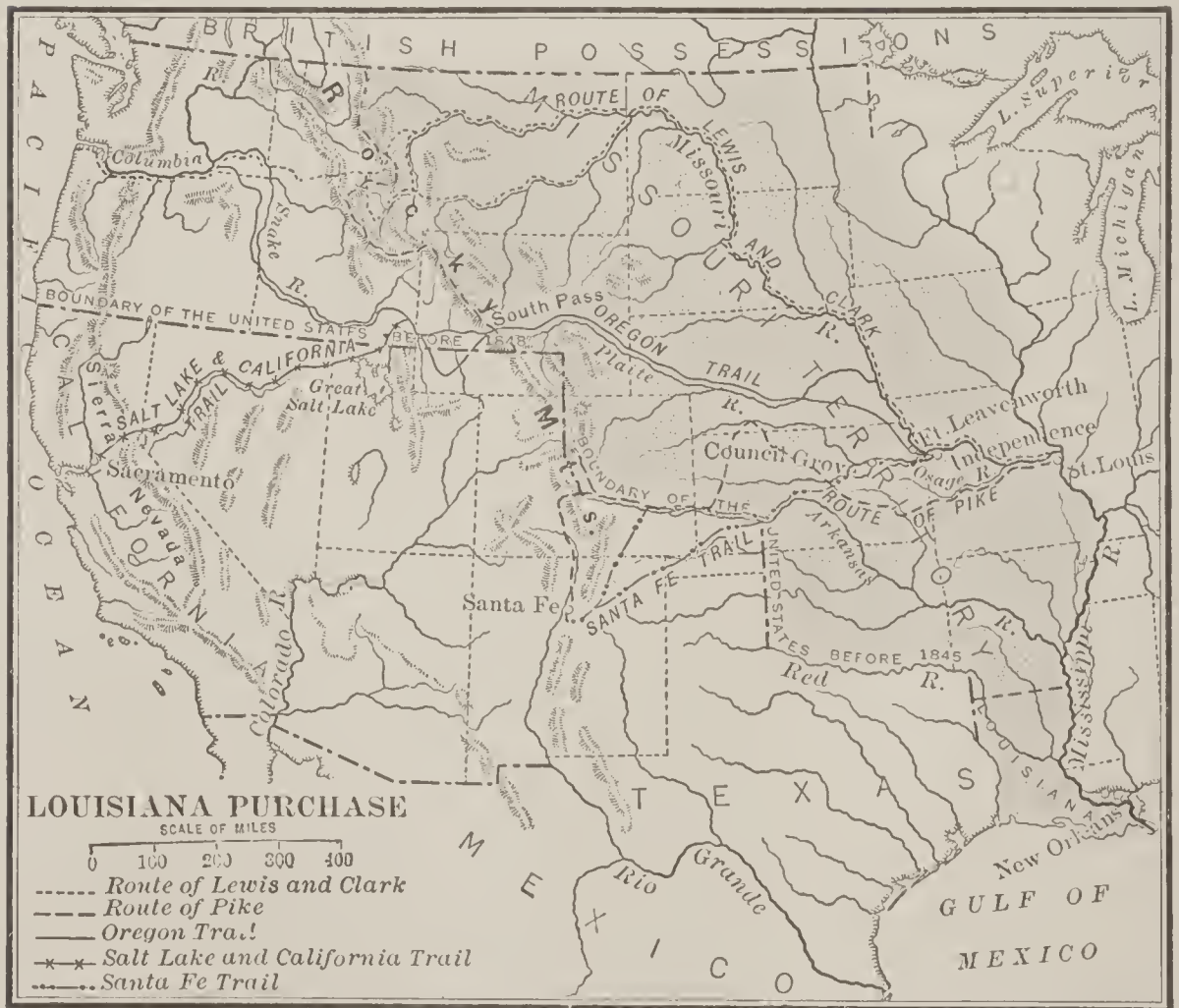
How did Upper Louisiana become French again? What did Napoleon plan to do? Why did not Jefferson wish Napoleon to have Louisiana? What excited the West?

Why was Monroe sent to France? Why did Napoleon sell Louisiana? What did it cost? How did the Purchase affect United States history?

CHAPTER V

GOVERNMENT AND GOVERNORS OF MISSOURI, 1804 TO 1820

United States Takes Possession. — Although Spain gave back Louisiana to France in 1800, Napoleon had never been able to take possession of it. All his expeditions planned for New Orleans were forced to stop



at the island of Haiti to put down a slave rebellion there. No French officer had reached St. Louis, so

the "retrocession" had no effect on the local history of Missouri. The Spanish lieutenant governor remained as the head of the government until March 9, 1804, when Captain Amos Stoddard of the United States artillery came up from New Orleans and raised the American flag at St. Louis. Stoddard acted as the agent of France also; he first received Upper Louisiana in the name of France, and then took possession for the United States. The ceremony was marked by speeches and proclamations, a parade of soldiers and salutes of artillery, but it is not clear that the people showed much joy or sorrow. In a few months they were very much dissatisfied both with the American form of government and with certain laws of Congress.

District and Territory of Louisiana. — To tell the truth, neither Jefferson nor Congress knew very much about this splendid territory they had purchased or about the people in it, so for a time they were very careful. Captain Stoddard acted as governor, with the powers of the old Spanish lieutenant governor, until October 1, 1804. At that date all of the Louisiana Purchase north of the southern boundary of the present state of Arkansas became the District of Louisiana. This district was not given any separate government of its own. It was attached to the territory of Indiana, and placed under its governor, General William Henry Harrison, later President of the United States. There was suspicion, and probably with reason, that the last Spanish lieutenant governor had made many fraudulent land grants, so Congress passed strin-

gent laws as to land titles. These threatened the property of very many of the settlers in Missouri. Naturally the people were surprised and angry. In September, 1804, a convention of the leading men of the district met at St. Louis and adopted a vigorous petition to Congress. They asked for a territorial government of their own, with a governor who should live in the district, and not one hundred and sixty-five miles away at Vincennes. They asked also for a more liberal land policy.

Congress acted slowly and cautiously as to land titles; in fact, it was 1836 before the last law about them was passed. But Congress promptly provided a more satisfactory form of government. In 1805 the district of Louisiana became the territory of Louisiana, with the same boundaries. The officials were a governor, three judges, and a secretary, all appointed by the President of the United States. The governor and the judges were the lawmaking body.

Territory of Missouri. — Though an improvement, this plan was not altogether satisfactory, for it gave the people no share in the government. The census of 1810 showed a population of over 20,000 in the territory, much too large for such a form of government. The admission of the southern part of the Purchase as the state of Louisiana in 1811 made necessary at least a change in the name of the territory. Congress in 1812 changed the name to Missouri, but left the boundaries as in 1804. A more important change was in the form of government. The lawmaking power was given to a

general assembly, made up of the governor, appointed by the President, and a legislative council and a house of representatives. The house of representatives was elected directly by the people. The house then nominated eighteen men, from whom the President chose nine to form the legislative council, or upper house.

The people were also permitted to elect a delegate to the national house of representatives, where he could speak but not vote. Thus they gained a voice in their own government and a representative at Washington to explain their needs and desires. In 1816 Congress made the government still more liberal by permitting the people to elect the legislative council. As Congress became much more liberal in the matter of land titles also, the Missourians were fairly well satisfied after 1812. But, as we shall see, the population increased by leaps and bounds after 1815, and in 1818 the Missouri legislature petitioned Congress for admission to the Union as a state.

Local Government. — Meanwhile the governors and judges, and later the general assembly, were trying many experiments in local government. Until 1812 the original five Spanish districts were retained; in 1812 these became the first counties of Missouri. As population increased and new sections were opened up, new counties were organized. Various plans of county government were tried, but under all of them the officers were appointed by the governor. The general assembly and the courts introduced American laws, so that the whole government was thoroughly Americanized by 1818.

Governor Wilkinson. — The governors of Missouri while it was a territory were able and, all but one, popular men. The first, as we have seen, before a separate territory was established, was William Henry Harrison, governor of Indiana territory, later a famous Indian fighter and President. The first governor of Louisiana territory was General James Wilkinson. He seems to have been a born plotter and schemer. As a young man in the Revolutionary army he had a share in the disgraceful attempt to get rid of Washington and put Gates in his place as commander. After the Revolution he lived for years in Kentucky, where he secretly became a Spanish subject and tried hard to persuade the Kentuckians to separate from the United States. While he was governor of Louisiana territory he was visited in St. Louis by Aaron Burr, and later was entangled in Burr's conspiracy. After leaving Missouri Wilkinson was commander in chief of the American army in the War of 1812, and proved thoroughly incompetent. It is not strange that a man of this sort was heartily disliked as governor, although just what he did at St. Louis to make himself so unpopular is not clear. Jefferson finally sent him to New Orleans to take command of the troops on the Spanish frontier.

Governor Lewis. — In Wilkinson's place Jefferson appointed, in 1807, Meriwether Lewis. Lewis had lately returned from his famous expedition with Clark to the Columbia river and the Pacific. He was a Virginian of a well known family, and had been private

secretary to President Jefferson. He found the territory divided into hostile factions and the government in confusion. By his patience and fairness he soon restored harmony and good feeling. His health failed, and in 1809 he set out for Washington. While crossing Tennessee he either committed suicide in a fit of temporary insanity, or, as some believed, was robbed and murdered.

Governor Howard. — Lewis's successor was Benjamin Howard of Kentucky, who resigned his seat in Congress to become governor of Louisiana territory. In 1812 Howard resigned as governor to become a brigadier general in the United States army, but died the following year. It was under Governor Howard that the name of the territory was changed to Missouri, the first counties organized, and the first legislature elected.

Governor Clark. — The last and best-known of the territorial governors was William Clark. He was born in Virginia, but while still a boy joined his more famous brother, George Rogers Clark, in Kentucky. At Lewis's request he was appointed one of the commanders of the Lewis and Clark expedition to the Pacific. On his return Clark was made Indian agent at St. Louis, and in 1813 governor of Missouri territory.

Clark was a genial, good-natured, and popular man, and an able and successful governor. He was much interested in developing the Missouri river fur trade, and was particularly successful in dealing with the Indians. "Red head," as the Indians called him, won

their respect and confidence through his sympathy with their problems and his honesty and fairness. When Missouri became a state, Clark was candidate for governor, but was beaten. Soon afterward he was reappointed Indian agent, and was made surveyor general of Missouri, Illinois, and Arkansas. He died in 1838.

Judge Lucas.— Besides the governors certain other officers of the territorial period deserve notice. J. B. C. Lucas was one of the first judges of Louisiana territory. He was born in France, was a university graduate, and was a trained lawyer in his own country. In 1784 he came to America and settled on the frontier in western Pennsylvania. Here he became a leader, and was later elected a member of Congress. His legal training, French blood, and his life on the frontier seemed to make him just the man for judge in the new territory. But he was a man of very decided opinions and likes and dislikes, which made him many enemies. He was one of the leaders in territorial politics, and state politics later.

Secretary Bates.— Frederic Bates, secretary of the territory from 1806 to 1820, was, like Clark, a native of Virginia. He went west when a very young man. He had been a merchant at Detroit and a judge in Michigan territory before he came to St. Louis as secretary of Missouri territory. Bates filled the office with great ability. At the same time he was commissioner to examine land titles, and acted as governor in the intervals between appointments. After Missouri was

admitted to the Union he was elected governor, in 1824, but died in office the following year.

Delegates to Congress.—Missouri's first delegate to the national Congress, 1812–1814, was Edward Hempstead, a lawyer and a native of Connecticut. After the Purchase he rode on horseback to Vincennes, and walked from Vincennes to St. Louis. He had been attorney-general of Louisiana territory before he was elected as delegate to Congress in 1812. Although he persuaded Congress to pass a more liberal law as to land titles, and was everywhere liked at home, he refused to be a candidate for reëlection. He died in 1817. Hempstead county, Arkansas, was named in his honor.

The second delegate, 1814–1816, Rufus Easton, was also a lawyer and a native of Connecticut. He had been one of the first judges in 1805, and also the first postmaster at St. Louis. From the first he made many bitter enemies, and was beaten for a second term after a hard campaign and a contested election.

The third and last of the delegates, 1816–1820, was John Scott of Ste. Genevieve. Scott, a native of Virginia and a graduate of Princeton, had been a successful lawyer, and became the most influential leader in southeast Missouri. His career after the admission to the Union we shall consider later.

Notice that these leaders of the territorial period were drawn from all sections of the country. As soon as the United States established its government in the Louisiana Purchase, many young men, often well educated and brought up in the seacoast section, sought

their fortune in the new country. The disputes and lawsuits over land titles attracted many lawyers both to St. Louis and to New Orleans. After 1820 the great majority of the leaders, as of the population, were natives of Kentucky, Virginia, or Tennessee.

PROBLEM

How and by whom was Missouri governed, 1804 to 1820?

QUESTIONS

Why did not Napoleon take possession of Louisiana? When was St. Louis under three flags the same day? How?

What powers had Captain Stoddard? What were the boundaries of the district of Louisiana? What was its government? Who was its governor? Why did Congress pass such strict laws about land grants? What did the people of the district ask of Congress? What did Congress do for them? Who were the officers of the territory of Louisiana?

Why was the name changed to Missouri? What change was made at the same time in the government? How was the house of representatives chosen? the legislative council? What is a territorial delegate? What powers had the delegates of Missouri territory? What was the last change (in 1816) in the government of Missouri territory? How long were the people satisfied? What did they want next?

What is meant by local government? What were the first counties created? Why were new counties created?

Who was the first governor of Louisiana territory? What kind of man was he? What do you know of his earlier life? his life after he left Missouri?

Who was the second governor of Louisiana territory? For what is he best known? Was he successful as governor? What became of him?

Who was the third governor of Louisiana territory? What changes took place in his term of office? What became of him?

Who was the last of the territorial governors? What can you tell about him?

CHAPTER VI

NEW SETTLEMENTS AND INDIAN TROUBLES 1804 TO 1821

New Settlements, 1804 to 1812. — We have seen that the Americans were crossing the Mississippi in large numbers while Missouri was still Spanish territory, so that in 1804 perhaps three fifths of the ten thousand people in Missouri were Americans. Naturally they came in much greater numbers after the Purchase; in fact, the population in 1810 was more than twice that of 1804. Still there was no very great extension of settlement until after the War of 1812. The newcomers settled in the old districts or pushed out only a few miles. Until 1815 the danger of Indian attacks discouraged the opening up of new sections, and there was still plenty of good land on or near the Mississippi.

But individual pioneers were pushing out alone into the wilderness and preparing the way for later settlements. Some of these brave and adventurous men followed the Missouri river westward, others built their lonely cabins along the Mississippi north of St. Charles. Thus by 1810 there was quite a beginning of settlement on Loutre Island, opposite the mouth of the Gasconade, and a few French trappers at the mouth of the Osage. Loutre Island was long since swept away by the Missouri. The St. Charles settlements had

expanded to the Cuivre river in the present Lincoln county, and a few hunters might be found along the Mississippi as far north as Hannibal. But the most daring attempt to extend the frontier before 1812 was the expedition of Benjamin Cooper to the Boone's Lick country.

Boone's Lick Country. — This name, Boone's Lick, came to describe rather loosely the district in the center of the state, east and west of Howard county, on both sides of the Missouri. The name was given to the district because two sons of Daniel Boone made salt here in the present Howard county at a salt spring, or "lick," and brought back news of the fertile soil. The bottom lands were broad and fertile, the country back from the river was rolling and well wooded. In fact, it was the first district west of St. Louis county, as the pioneer went up the river, that was thoroughly desirable for agricultural settlement.

Here Benjamin Cooper started to settle in 1808, but Governor Lewis ordered him to return below the mouth of the Gasconade, because Indian titles were not yet extinguished in the Boone's Lick country. Cooper returned to Loutre Island, but two years later led a considerable number of settlers to the present Howard county. Before the War of 1812 several hundred Americans had joined him. The centers of settlement were Franklin and, just across the river, at Boonville, although neither town was laid out until later. The Indians naturally did not like this invasion, and during the War of 1812 became so troublesome

that settlement was checked and some settlers went back down the river.

Missouri in War of 1812. — The most serious Indian troubles were along the Mississippi. As early as 1810 and 1811 there were several attacks in this district, and a horse-stealing raid on Loutre Island. After the United States declared war on Great Britain in 1812, the Indians east of the Mississippi joined the British. They were a very serious danger to the scattered Mississippi river settlers. Fortunately the Indians in Missouri did not join their brothers in a united attack on the whites, or the frontier settlements would have been wiped out. Governor Clark ordered out the Missouri militia, and General Howard led fourteen hundred men up the Mississippi into Illinois. He was not able to corner the Indians and force a battle, but by burning several villages and destroying the stores of corn he prevented any serious invasion of Missouri.

Forts. — For the most part the Indians of Missouri contented themselves with plundering cabins and driving off stock. Sometimes they attacked isolated settlers. The Indians fought in small roving bands against which the militia could not very well be used, so the burden of the defense fell on the settlers themselves. Their method was the same as that adopted by the earliest pioneers at Jamestown and Plymouth and later used in Kentucky and Tennessee. They built "forts," as they called them, as places of refuge. In a small community of a few settlers the "fort" was simply a strongly built log cabin, with a projecting upper

story and loopholes for the muskets and rifles of the defenders. In a few cases where the settlements were more compact and many settlers sought refuge together, the "fort" was a stockade inclosing several cabins and a sort of corral for the stock. When the news came that the Indians were at hand, the pioneers fled with their families to the nearest fort. Usually the Indians rounded up the horses and plundered the deserted cabins and went on; sometimes they attacked the forts, but were in most cases repulsed without great difficulty.

There were small forts near the present Hannibal and St. Charles, a considerable number in the present Lincoln and St. Charles counties, and another group in Howard and Cole.

The whites who were killed either did not have time to reach a fort, or, in more cases, they were pursuing the Indians too far and too rashly in their attempts to recover stolen stock and property. Both Cooper and Callaway counties were named from pioneers, Sarshall Cooper and James Callaway, who fell victims to the Indians.

Sarshall Cooper. — Captain Sarshall Cooper was a nephew of Benjamin Cooper, and lived with him at Cooper's Fort, near the present town of Glasgow. This was the largest fort in the settlement, and some of the settlers lived in it. One dark and stormy night a single Indian crept up to the fort, to the outside of Cooper's cabin. It was so dark that the men on guard did not see him. Inside the cabin Cooper was playing

with his children, and his wife was sewing beside him. The Indian quietly picked out the clay between two logs of the wall of the cabin until he made a hole clear through. Then he pushed the muzzle of his gun through the hole and shot Cooper dead.

James Callaway. — Captain James Callaway was a grandson of Daniel Boone, and lived in the Boone settlement near the western line of St. Charles county. When a band of Indians drove off the horses from Loutre Island, Callaway pursued them with a force of whites. They followed so fast that the Indians left the horses behind. But the Indians turned about and surprised Callaway and his men as they were returning. He fought bravely, but was mortally wounded. Rather than let the Indians get his scalp he threw himself into Loutre creek and was shot again and killed. He had been warned that the Indians were leading him into a trap, but he felt sure he could avoid them.

The Indian raids became so serious in the Boone's Lick country that in 1814 General Dodge led a militia expedition there and captured a band of Indians in the present Saline county. The raids went on, both on the Missouri and on the Mississippi, until 1815. Not many whites were killed, — in all perhaps between fifty and one hundred, — but immigration almost stopped, and the settlers had a hard time to make a living. The loss of their horses was a very serious matter; whole communities had to rely on oxen for plowing and farm work for some years.

New Settlements after 1815. — After peace was made with Great Britain in 1815, the Indian troubles ended and the settlers came in by thousands. This was true all through the West. The unsettled conditions of the East caused by the war drove thousands into the West and Southwest, and Missouri had her share of the newcomers. Kentucky and Tennessee by this time had outgrown the first period of settlement; good land was becoming valuable there. It was no longer possible for the children to take up farms near the old people and thus keep the families together, so the people from these states came in great numbers, searching for cheaper land and more room. They came to the new districts along the Mississippi, and in greater numbers to the Boone's Lick country. The Boone's Lick road was laid out from St. Charles to Franklin, and was followed by hundreds of families. Another road, from Potosi in Washington county, served the immigrants who crossed the Mississippi farther south.

It is impossible for us to follow the settlement in detail, but by 1820 it had extended as far west as Lafayette and Ray counties. There were over twenty thousand people in this central section, nearly a third of the sixty-six thousand people of the whole territory, and all but a few hundred had come since 1815. The growth of the Mississippi river settlements in Lincoln and Pike counties was only less surprising. The population here, including the older settlements in St. Charles, was nearly ten thousand; nearly half the population of the whole territory was to be found in these

two sections, settled for the most part in the last five years. In the southeast the Ozarks were a barrier to development, but the river bottoms were taken up and the frontier pushed back some fifty miles from the Mississippi. There were even a few settlers in the extreme southwest, near the present town of Springfield, adventurous pioneers who had followed up the White river from Arkansas.

New Madrid Earthquake. — Only one district in Missouri was falling behind. This was New Madrid. The country was too swampy to attract the farmers. When the game was killed off the Indians moved back and the Indian trade decreased. Then came the earthquake of 1811, which for a time nearly ruined the section. It is impossible to say just how much actual damage was done, but the earthquake itself was a frightful thing. For some months after the first shock there were smaller disturbances. The people were already dissatisfied and not prosperous, and this was the finishing touch. Hundreds of them moved. Congress permitted any one whose land was damaged by the earthquake to take up the same amount of government land anywhere else. The speculators made more out of this than the sufferers, for the speculators bought the ruined farms for little and then took up as much land wherever they wished. Many of these New Madrid claims were located in the Boone's Lick country, and some even around Chicago.

New Counties. — As new sections were settled there came a demand for new counties, for travel was diffi-

cult and the people wanted their local government within easy reach. One of the easiest ways to understand the spread of settlement is to note when the various counties were organized. Starting out with the original five in 1812, the territorial legislature at once created Washington county to include the old American settlements in the lead country, around Potosi. Then in 1816 the Boone's Lick country was organized as Howard county, including all the territory north of the Osage river. Eight more counties were organized in 1818, and ten in 1820. There was now a double tier along the Mississippi south of the Missouri, another tier north of St. Charles, and a tier either side of the Missouri as far west as Ray and Saline (map, page 68). Most of these counties were much larger than they are to-day, and the settlements in them were for the most part near the rivers, but the map had changed very much since 1804.

PROBLEM

The American newcomers; where and how they settled.

QUESTIONS

About how many people were there in Upper Louisiana in 1804? in 1810? Where did the newcomers settle? Why? What beginnings of new settlements were made before 1812 on the Missouri? on the Mississippi?

What is meant by the Boone's Lick country? How did it get its name? Why was it attractive to the settler? Who was the first pioneer here? What trouble did he have in making a settlement?

Why did the Indians attack the whites? What was the great danger to Missouri in the War of 1812? How did Governor Clark and General Howard ward it off? What sort of attacks did the

Indians make? How did the settlers defend themselves? Describe the forts. How were some of the whites killed? Why do we remember two of these?

Why did so many people come to Missouri after 1815? Where did they come from? Where did they settle in Missouri? Why? (See maps on pages 17 and 19.) How many people were there in Missouri in 1820? About how many of these had come since 1815?

What part of Missouri had not prospered? Why? What help did Congress give? How was it used?

How many counties were there in 1821? (See map, page 68.)

What do the counties tell you about where the people lived?

CHAPTER VII

THE NEW HABITS AND NEW ENTERPRISES

American Enterprise. — The great immigration of Americans had changed the life and habits of the people. In the old French villages of Ste. Genevieve and New Madrid the comfortable, easy-going French way of living went on. Everywhere else there were the eager, energetic American ways of doing things. In St. Louis the two peoples mingled, but the French merchants were as enterprising as the Americans. But, except in St. Louis, the French figured less and less in the history of Missouri. The Americans were better farmers and stock raisers than the French had been. They brought better machinery and methods into the lead district, and increased the output. Missouri had become a bustling, industrious, western country.

Most of the Americans were farmers seeking cheap lands. All their strength and energy was needed to clear their farms, build their houses, and get a start in the world. After the Indian troubles were over, life became a little easier for them. Roads were opened, and the different settlements tied together. Saw and grist mills were built, so that the pioneer no longer had to saw out his lumber by hand or pound his corn in a mortar. Many of the newcomers after 1815 had been

prosperous farmers in Kentucky or Tennessee. They brought stock, furniture, and slaves with them, and lived comfortably from the very first. By 1820 Missouri was raising more foodstuffs than she needed. Flatboats loaded with her corn and wheat were floating down the Missouri and Mississippi to New Orleans.

Turbulent Element. — Some of the Americans were almost too energetic. Missouri was the most western section of the United States, the farthest outpost of settlement. Naturally it attracted the wild and adventurous young men of the whole country. So we find for a few years a very small but very noisy class of turbulent and rather lawless men. The lead miners and the river men especially were famous for their wild sprees and brutal fights. Both of these classes were wanderers, without fixed homes, and both worked hard in dangerous trades. We see much the same condition in the lumbermen in the northern forests to-day.

Dueling. — On the whole the frequent duels among the educated and professional men were a much more serious matter than the brutal fist fights among the ignorant boatmen. No man could hope to get on and succeed as a doctor, lawyer, or political leader unless he was willing to meet his rivals on "the field of honor." A refusal to accept a challenge would ruin his career. The list of men who took part in duels in the early days, either as principals or seconds, includes a surprising number of the leaders of public opinion, and even of officials.

The best known of these encounters was the duel between Thomas Hart Benton and Charles Lucas, son of Judge Lucas. The two young lawyers were bitter professional and political rivals. The cause of the duel would seem trivial to-day. At the first meeting Lucas was wounded. An attempt was made to end the quarrel, but their friends talked so much that this was impossible. Benton then insisted on another meeting, and Lucas was killed. Lucas's friends always insisted that Benton forced the quarrel throughout in order to get rid of a dangerous rival. Benton himself would never discuss the affair, and never fought another duel. Still, after all, much of the fist fighting and dueling arose from the self-confidence and independence that have always been so valuable and attractive in the men of the West.

Churches. — On the other side of the picture, the Purchase brought in the good influences of the church, the schools, and the newspapers. Under the Spanish, Protestant ministers and circuit riders occasionally crossed the Mississippi to minister to the Americans, but very quietly, as public worship was forbidden. In the territorial period all the important Protestant churches were organized. In the purely American district of Cape Girardeau the first Baptist church was organized in 1806. Ten years later the Baptist board sent Rev. John Mason Peck, who organized churches throughout the territory. In the same year Rev. Timothy Flint began the same work for the Presbyterians. The Methodists were active even earlier;

by 1820 a beginning had been made by the Congregationalists and the Episcopalians. The early ministers lived lives of hardship and self-sacrifice; their pay was small and their congregations scattered. Most of the roads were little more than bridle paths, and settlements were often more than a day's journey apart. The later generations in the state owed much to these early ministers.

Schools. — Even before the Purchase there were private schools in the French villages, and after 1804 American private schools were started in most of the centers of settlement. Before 1820 provision had been made by law for a public school system in St. Louis. These schools were very elementary, but most of the children in the better-settled parts had a chance to learn reading and writing and the elements of arithmetic.

Newspapers. — Another evidence of progress of a different sort was supplied by the newspapers. The earliest in the territory was the *Gazette*, established in St. Louis in 1808. After various changes in name it became the *St. Louis Republic* of to-day, one of the few papers in the United States with an unbroken career of over one hundred years. The *Missouri Intelligencer* was published in Franklin in 1819, and it too survives as the *Statesman* of Columbia. By 1820 papers were published also in Jackson, Cape Girardeau county, and in St. Charles. Even in the *Gazette* the eastern news was never less than a week old, and in winter, when the bad roads delayed the mails, often a month. European

news hardly ever reached St. Louis in less than two or three months.

Lewis and Clark. — Under the Americans Missouri was beginning to take advantage of its position on the great rivers of the valley, particularly in opening up the trade with the Far West. When the United States bought Louisiana not even the government knew much about what it had bought. Jefferson was chiefly interested in settling the Mississippi question. But just after Stoddard took possession at St. Louis, Lewis and Clark started from the mouth of the Missouri to explore the Purchase.

In May, 1804, the expedition of forty-five men in three boats started up the river. The voyage against the current was slow and wearisome, and winter overtook them in what is now North Dakota. Next spring they followed the Missouri to its headwaters, crossed the mountains with difficulty and hardship, and finally reached the Columbia and the Pacific. Near the mouth of the Columbia they built a fort and passed the second winter. The return trip was much easier and quicker after the Missouri was regained and the current helped them on their way. Lewis and Clark reached St. Louis in September, 1806, after an absence of over two years. They lost only two white men, one a deserter and the other a victim of disease. This expedition was almost unparalleled in extent and successful management in the history of American exploration.

Pike. — While Lewis and Clark were on the Missouri, another army officer, Zebulon M. Pike, in 1805 set out

from St. Louis for the headwaters of the Mississippi. After his return he led a second expedition in 1806 up the Missouri and the Osage, and after a land journey, up the Arkansas to the Rocky mountains and Pikes Peak. He was less fortunate than Lewis and Clark, for after losing several men in the mountains and finally reaching the Rio Grande, he and his men were rescued by the Spanish, and were detained for a time in Mexico before they got back to the United States.

Fur Trade. — These expeditions revealed to the St. Louis merchant the possibilities of the fur trade on the two rivers, and of the overland trade with Santa Fe and the Spanish settlements. In the Spanish period the fur trade was chiefly with Indians on the Osage, Gasconade, and lower Missouri. The constant hunting killed off the fur-bearing animals, and furs were becoming scarce. Lewis and Clark brought back reports of an almost unlimited supply on the headwaters of the Missouri, and fired the ambitions of the St. Louis merchants. Manuel Lisa, the most restless and enterprising of them, led a successful expedition in 1807–1808 well up the Yellowstone, and on his return organized a fur company. Lisa himself was constantly on the river, making twelve trips to the headwaters in thirteen years. Clashes with the Indians were frequent, but in spite of dangers and losses the trade was very profitable.

The field was so tempting that the great New York fur merchant, John Jacob Astor, tried to develop it.

He planned a trading post at the mouth of the Columbia, and an export trade to China and the Orient. He sent one expedition up the Missouri, and a ship around the Horn to the Columbia. His fort, Astoria, was seized by the British Northwest Company; still the way to Oregon had been pointed out.

Sante Fe. — After Pike's southwest expedition the Chouteaus and other St. Louis merchants tried several times to open up an overland trade with Santa Fe, but the Spanish arrested their agents and forbade the trade. St. Louis was establishing herself as the gateway to the West and Southwest.

St. Louis. — Every extension of settlement, as well as every extension of trade, increased the prosperity of St. Louis, the commercial center of the territory. As yet the French merchants were the chief gainers, for they were already in the field, and the great increase in land values gave them capital. The residence of the governor and the fixing of the seat of government there also helped the town and attracted there many American lawyers. Although the town increased in population from 1000 to over 5000 in the territorial period, it did not lose altogether its French character. The old families were still prominent in business and society, the newspaper advertisements were often printed in French as well as English, and on the street one language was heard about as often as the other. St. Louis now became one of the important cities of the Mississippi valley, and with its school system, newspapers, and fire engines was a bustling western town.

Franklin. — After St. Louis, Franklin, in Howard county, opposite Boonville, was the most important town. Franklin was at the western end of the Boone's Lick road, and was the headquarters of trade for the rapidly growing American settlements. It was also the outfitting place for many of the fur traders. In 1820 it contained a population of nearly 1000, but ten years later had completely disappeared, washed away by the river. Boonville, just across the Missouri, shared in Franklin's prosperity. Smaller towns were growing up at the county seats of other counties. The later and more prosperous immigrants did not share Boone's dislike of town life. At this time, however, St. Louis was the only town of any considerable size, and all but a few of the people were farmers.

Steamboats. — One of the most important aids in the development of Missouri and of the whole West was the coming of the steamboats. From the first the great rivers had answered fairly well as highways out of the country. The clumsy flatboats with their heavy freights floated down with the current and finally reached a market. But until the steamboats came it was not possible to bring much back up the rivers. Indeed, the flatboats were usually sold for lumber at New Orleans, and the crew came back by land. It was even easier to sail around the coast to Baltimore and come back overland to the Ohio than it was to force the heavy boats up the Mississippi. The steamboats changed all this and made the rivers highways into the

country as well as out of it. The first steamboat in the West was launched at Pittsburgh, in 1811; the first steamboat reached St. Louis in 1816, and Franklin in 1819.

PROBLEM

What changes and developments did the Americans bring about to 1820?

QUESTIONS

Where did the old French life survive? Where did the French join in the new American development? How did the Americans surpass the French? How did life become easier for the farmers? What new class of farmers came after 1815? What shows that the farmers were prosperous?

What were the least desirable classes among the Americans? In what way? How do you explain the situation? What is said about dueling? What was the most famous duel in early days? Tell what you know about it.

Why were there no Protestant churches in Upper Louisiana before the Purchase? What was the first one organized? Where? What other churches were organized? What can you say of the early ministers? What can you say of the schools? What was the first newspaper? What is its name now?

What was the purpose of the Lewis and Clark expedition? How large was it? Describe their journey. How long were they gone? What do you think of their management? Who was Pike? Where did he make his first expedition? his second? What misfortunes had he? What memorial has he on the map?

What effect had these expeditions on Missouri history? Why did the St. Louis merchants want new sources of supplies for furs? Who was the most prominent of the fur traders? What is said about him? Who was J. J. Astor? What were his plans? Why did he fail? What trade did Pike's second expedition call attention to? Why was it not opened up?

Why did St. Louis grow and prosper? How did the French merchants here have an advantage? How much French influence survived here? What made Franklin a thriving town? What became of it?

Why were the steamboats so important in western history? When did the first one reach St. Louis? Franklin?

CHAPTER VIII

THE FIRST MISSOURI COMPROMISE

Missouri Applies for Statehood. — As soon as the rush of settlers after 1815 was well under way, the Missourians began to talk about forming a state government and entering the Union. They were not satisfied with an inferior, territorial government, and they objected in particular to the governor and judges appointed from Washington, and local officers appointed by the governor. So as early as 1816 a petition for statehood was passing about, and in 1818 at least one petition was sent to Congress. Then in November of the same year the legislature at St. Louis drew up a formal memorial to Congress, asking for admission to the Union as a state.

The only discussion seems to have been about the proper boundaries for the new state. Some favored a narrow state, stretching far to the westward, with the Missouri river as a northern boundary; others a state of wide extent from north to south with the Missouri as the central artery. The legislature adopted the second plan. The boundaries asked for included, besides the area finally fixed on by Congress, northeastern Arkansas as far as the White river, a strip of eastern Kansas, and a considerable part of southern Iowa. This would make Missouri larger than any

state in the Union and might be opposed in Congress for that reason. In population, wealth, and general development Missouri was quite the equal of Indiana, Mississippi, or Illinois, admitted to the Union in the last three years, so the Missourians expected admission without delay.

The First Sectional Contest. — As a matter of fact, the memorial to Congress brought on the first great slavery debate in our history, and Missouri waited more than two years for statehood. This debate so divided the country on sectional lines as to threaten the very life of the Union. This contest was almost as surprising to the country as to Missouri. Jefferson said it was “like a fire-bell in the night,” it was so sudden and unexpected. To-day we can see the reasons for it more clearly. North and South had been growing and changing along such different lines that the clash had to come. This growing apart arose in part from slavery and in part from differences in climate and products.

Early Opinion on Slavery. — At the date of the Declaration of Independence slavery existed in all the states and was condemned by the leaders and probably by the majority of the people in all of them except South Carolina. In the states north of Mason and Dixon's line there were only a few slaves, and slavery was unprofitable, so these states set about abolishing slavery at once. By 1800 plans for immediate or gradual abolition had been adopted in all but one. But in the South it was not such a simple matter. In the

first place there were a very large number of slaves, worth a large amount of money. Then, too, the South was hopeless of finding any way of getting rid of the negroes after they were set free, or of finding any place for them. So the North, having gotten rid of slavery, was more than ever convinced that it was an evil, while the South saw little chance of ever getting rid of it.

The Cotton Gin. — Then came the invention of the cotton gin by Eli Whitney, which made cotton an extremely profitable crop. This new staple made slavery much more profitable, for it was a new crop to add to the older staples of tobacco and rice. Then cotton, unlike the older crops, was not confined to the Tidewater or one kind of soil, but could be raised all through the Gulf plains and the Piedmont. It was cotton that carried slavery into the new states in the Southwest and into new sections in the older states. The price of slaves rose steadily and the South was very prosperous. So the section was settling down to the belief that slavery might be an evil in theory, but that it could not be gotten rid of, and was necessary to the South.

The Sections and Politics. — Slavery was not the only influence drawing the sections apart. New England and the middle states, always the commercial states, were now turning to manufacturing and beginning to demand a protective tariff. The South, because of slavery, could not expect to become anything but an agricultural section. It believed the protective tariff would injure the section without helping it any.

Sooner or later the different views and interests of the two sections must lead to sectional division in politics, because Congress could by its legislation further the interests of one or the other. So neither section was willing to be left in the minority in Congress. The North was steadily outgrowing the South in population and so had control of the house of representatives, but the South could hold its own in the senate as long as the slave states equaled the free states in number. Up to 1820 new states had been admitted in pairs, and the balance in the senate had been maintained.

Missouri Forces the Issue.—By 1820 all these influences had become so strong that the time was ripe for a dangerous sectional contest. But the changes had come gradually, and the people north and south did not realize how far apart they had grown. Missouri's application for admission to the Union was the spark that kindled the flame, and this was the first time when the application of a new state could raise the slavery issue. Vermont, Kentucky, and Tennessee were admitted before the earlier agreement of the two sections against slavery had disappeared. In the other states it was clear before their admission whether they would be slave or free. The Ordinance of 1787 forbade slavery in Ohio, Illinois, and Indiana, while Louisiana and Mississippi were so far to the southward that the North could not question their admission as slave states.

¶ But in the case of Missouri it was not by any means clear whether it belonged north or south. On the one

hand the majority of the settlers came from slave states and slavery already existed in the territory. On the other hand most of the proposed state bordered on the free state of Illinois and was north of the mouth of the Ohio river, the boundary between free and slave states. If slavery was permitted in the new state, how could it be forbidden by law anywhere in the northern part of the Louisiana Purchase? But if Missouri were to be a free state, how could the balance of the sections in the senate be preserved? These conditions gave the North its first chance to attack the extension of slavery.

First Missouri Debate. — Missouri's memorial to the house of representatives asking for admission to the Union was referred to a committee of which John Scott, Missouri's delegate, was chairman. Of course he reported in favor of it. The contest began when Tallmadge of New York, on February 13, 1819, proposed that no more slaves should be brought into Missouri, and that all slave children were to be free when they were twenty-five years of age. That is, he proposed that slavery be gradually abolished in the new state. This proposal the house with its northern majority adopted, but the senate rejected it by a close vote. Both sides expected that Missouri would become a state, for the two houses agreed in organizing the territory of Arkansas without any restriction as to slavery. But there was not time for the two houses of Congress to come to any agreement as to Missouri before Congress adjourned.

Southern Arguments. — This first Missouri debate was very short, less than a month, yet all the important arguments in the whole struggle were brought forward. The South opposed the restriction of slavery in Missouri for two general reasons, because it was unconstitutional and because it was unfair. The South claimed that Congress had no power to place any conditions on the admission of a state; that Missouri, if admitted to the Union at all, must come in without any restrictions. The South argued also that it was better for the whites and necessary for the negroes to spread slavery over a large territory, to "dilute" it. In this way the proportion of slaves in the population of any one section would not become too large. Again, southerners would really be barred out of Missouri if they could not take their slaves with them.

Northern Arguments. — The North denied these arguments. As to slavery, the North was convinced that it was an evil and ought to be confined as closely as possible to the unfortunate states where it already existed. The northern arguments against slavery at this time dealt with its wastefulness and its bad effects on the whites, on the economic and social evils. The violent attack of the abolitionists on slavery as a great moral wrong to the negro, as a sin, belongs to a later period. The North claimed that Congress had placed certain conditions on the admission of the earlier states and could place conditions on Missouri.

If this question should arise to-day the whole country would accept the northern arguments, but it is not so

clear which had the stronger case in 1819, unless it was certain then that slavery was going to be destroyed. You must remember that back of all these arguments about the Constitution and the powers of Congress and about slavery, was the question whether the two senators from Missouri were to come from a free or a slave state; that is, as to which section should control the United States senate.

Second Debate. — After Congress adjourned in March, the contest was transferred to the people. All through the year 1819 the North and the South, through resolutions of the state legislatures, mass meetings, and the newspapers, were urging more and more warmly their arguments and claims. When Congress met again in December the Missouri question overshadowed everything else. Maine now applied for admission as a free state, which made the South even more determined that Missouri should be slave. Otherwise there would be four new free-state senators, and the balance of sections in the senate would be hopelessly destroyed. At the same time the most moderate people in the North did not feel quite so strongly about Missouri if Maine was to come in at the same time.

The division in Congress was the same as in the first debate. The house insisted that slavery be restricted in Missouri, and the senate demanded that Missouri be admitted without any such restriction. No important new arguments were brought forward, but the excitement and hostility grew until threats of secession

were openly made and the possibility of disunion openly discussed. We cannot follow out the different ways in which the house and senate each tried to have its way, but in the end they were forced to compromise.

First Missouri Compromise. — This first Missouri Compromise provided for a geographical line between free and slave sections in the Louisiana Purchase. Just as Mason and Dixon's line and the Ohio river formed such a boundary east of the Mississippi, so the north and west boundaries of Missouri, and an extension of her southern boundary, were to be the line of division to the west of the river. North of this line slavery was to be forever forbidden. In return for this concession on the part of the South, Missouri itself was to form her state constitution without any restrictions as to slavery. To balance this new slave state Maine was admitted, and the two sections were kept even in the senate. The boundaries of Missouri were fixed as they are to-day, except that the western boundary was run as a straight line north from the southwestern corner. This Missouri Compromise passed the house of representatives because a number of the more moderate northern members were not willing to push matters to an extreme and so voted for it. The compromise did not end the sectional differences, but it did remove a very real danger to the Union and put off the final struggle for years.

PROBLEM

How the First Missouri Compromise was brought about.

QUESTIONS

Why did Missouri wish to become a state? How was application for statehood made? What questions came up about boundaries? What boundaries were asked for? Why did Missouri expect admission to the Union without delay?

Why did Missouri have to wait so long for admission? What were the general causes of the growing apart of the North and the South? In what states did slavery exist in 1776? What was the general opinion about it? Why did the North get rid of slavery so easily? Why was it so hard for the South?

What was the cotton gin? How did it make cotton a profitable crop? How did cotton cause slavery to spread? How did the South look at slavery in 1820? What else divided the sections besides slavery? How did the sectional questions get into politics? What was the only way the South could hold its own in the national government?

Why did not the sectional contest come sooner? Why not about states admitted before Missouri? In what ways might Missouri be considered as belonging to the South? In what ways to the North? Why did it make so much difference which section won it?

What was the Tallmadge amendment? What did it intend to bring about? What action about it did the house of representatives take? the senate? What progress was made in this first debate? What arguments did the South urge against the restriction of slavery in Missouri? How did the North answer them? What kind of arguments were urged against slavery? What was the real question?

What was the new element in the contest in the second debate? What effect had it? How was Congress divided? How did the contest end? What were the terms of the first Missouri Compromise? What did the South gain? the North? What were the boundaries of the state of Missouri? What was the importance of this compromise in United States history?

CHAPTER IX

MISSOURI ADMITTED TO THE UNION

Public Opinion in Missouri. — Meanwhile the people out in the territory of Missouri were becoming more and more excited and indignant at the delay. They were very angry that Congress should try to dictate to them about slavery. They believed, too, that they were ready for statehood and that Congress was in duty bound to admit them without delay. This frontier or western anger at outside interference was shared by almost every one in the territory. We find it expressed in resolutions of the grand juries of the counties of St. Louis, St. Charles, Washington, and Jefferson. All of these in 1819 denounced the proposed restriction on slavery as a grievance. Mass meetings were held in St. Louis and in other towns, and resolutions of the same sort were adopted. The *Gazette*, the leading newspaper, was filled with letters and articles of the same nature. In all we find a general agreement that Congress had no right to dictate to the people of the new state whether or no they should permit slavery.

One very interesting suggestion was made more than once, and it would seem that it was made seriously. It was that Missouri had the right to form a constitution

and become a state. Therefore, if Congress continued to refuse admission to the Union, the people of Missouri ought to take matters into their own hands and act without any authority from Congress. They were to go ahead anyway and set up a state government. When Congress finally adopted the compromise, Missouri was satisfied because it left her free to decide on slavery as she saw fit.

Antislavery Sentiment. — It would be a great mistake to suppose that all the people who were angered at the interference of Congress were in favor of slavery in Missouri. Many of them were strongly opposed to slavery. The editor of the *Gazette* was a strong antislavery man. Prominent men such as Judge Lucas hated the institution and wished that it could be abolished. Benton all his life disliked it. The grand jury of Jefferson county in their resolutions condemned slavery almost as strongly as they did the interference of Congress. The *Gazette* published many articles arguing it was better for Missouri to be a free state. These opponents to slavery objected to it because they believed that slave labor and plantations would lead to a class distinction and a slaveholding aristocracy, and drive out the mechanics and small farmers.

This antislavery feeling could not make much headway as long as Congress was threatening restriction. After the compromise was adopted, a mass meeting was held in St. Louis and antislavery candidates suggested for the state constitutional convention. But these antislavery men were soundly beaten in the elec-

tion. Not a single delegate elected to the convention was an antislavery man.

The influential classes in the territory were all in favor of slavery. These classes were the wealthy French merchants and the old American families who came before the Purchase, and the leaders in the Boone's Lick country and lawyers and officeholders about the governor at St. Louis. Only a few prominent men were against slavery, although a large number of the people were. These people were not united and could not pull together. Many who disliked slavery voted with the other side because they were so angry at the action of Congress, or because they felt that to bar slavery out would turn settlers away from the state.

Constitutional Convention. — The forty-one delegates to the constitutional convention were a remarkable body of men, drawn from the classes we have just been discussing. They included a Boone and a Chouteau. The convention met at St. Louis in June, 1820, elected David Barton president, drew up and adopted a constitution for the state, and adjourned, all in a little over a month. The constitution was such an able and conservative frame of government that it served the state, with some amendments, to 1865. As one might expect, it was like the Kentucky constitution in many matters. It also took some provisions from the states recently formed, from Illinois, Indiana, Mississippi, and Alabama.

The sections as to slavery and the negroes were par-

ticularly interesting. The legislature was forbidden to free slaves without the consent of the owners and without paying for them. It was also forbidden to prevent settlers bringing their slaves in with them. The legislature was permitted to pass laws protecting the slave from cruel or abusive treatment. It was required to pass laws keeping out all free negroes.

The First Elections. — The Missouri Compromise was merely an enabling act, permitting the people of the territory to draw up a constitution and promising them admission; it did not actually admit Missouri as a state. The people, however, naturally supposed that Congress would accept the constitution and admit Missouri as a matter of course as soon as it met. So Missouri, as had been the custom of territories in similar circumstances, proceeded at once to organize a state government. In August, 1820, elections were held for governor, members of the state legislature, and representative in Congress. John Scott, the territorial delegate, had served his state bravely and well during the Compromise debates. No one ran against him, and he was elected Missouri's first representative.

William Clark, territorial governor since 1813, was candidate for governor under the new constitution, but was beaten by Alexander McNair. Clark had always been popular, but perhaps the people thought he had been in office long enough, and some one else deserved the place. Illness in his family compelled him to leave Missouri during the campaign, and this no doubt hurt his chances. William H. Ashley was

elected the first lieutenant governor. The first general assembly met at St. Louis in September. Governor McNair appointed the secretary of state and other administrative officers and the judges, and the new state government was in full working order.

The First Senators. — One of the first duties of the general assembly was the election of two United States senators. David Barton of St. Louis was chosen for one without opposition. Several candidates came forward for the other senatorship, and a bitter contest followed. The leading candidates were Judge J. B. C. Lucas and Thomas H. Benton. Benton had the support of Barton and the St. Louis group that surrounded Governor Clark, but he was personally very unpopular. He was naturally outspoken and domineering, his duel with Charles Lucas hurt him, and he was a newcomer in the territory. Benton won for two reasons. Barton came out strongly in his favor. Then the French merchants and landholders opposed Lucas because he had always opposed the doubtful Spanish land grants. The election was so close that Daniel Ralls, one of Benton's supporters, although he was desperately ill, was carried into the assembly on a mattress to cast his vote. Ralls died shortly afterward, and the assembly named Ralls county in his honor.

State Seal. — This first general assembly passed a number of important laws. It adopted the state seal, still in use to-day. It also organized ten new counties and divided the state into judicial districts. The location of the state capital was fixed by the constitution

for six years at St. Charles, after that at some place on the Missouri river within forty miles of the mouth of the Osage. A commission later selected the site of Jefferson City as the permanent seat of government.

Second Missouri Compromise. — But Missouri was not yet admitted to the Union. When Congress met in 1820, Scott presented the new constitution of Missouri to Congress, expecting the immediate admission of Missouri as a state without debate. But neither the North nor the South had been altogether satisfied with the first compromise. A radical minority in each section was quite willing to see the compromise overthrown and the whole contest renewed. The anti-slavery faction declared that the clause in the Missouri constitution barring out free negroes was contrary to the national Constitution. That Constitution declared that the citizens of each state should have the rights of citizens in other states; and free negroes, so it was claimed, were citizens in some states. The South denied that free negroes could be citizens in any state, and held that in any case Congress could not force Missouri to change her constitution. The house of representatives refused to admit Missouri unless this clause in her constitution was changed. So the sectional quarrel reappeared, the same arguments were repeated with greater bitterness, and the danger of the Union was very real.

Finally, Henry Clay, who came back to the house of representatives at this session, succeeded in drawing up a compromise that passed both houses of Congress.

This Second Missouri Compromise required a pledge from the Missouri legislature in regard to the barring out of free negroes. The legislature was to promise that Missouri should never interfere with the rights of citizens of the other states. Evidently this second Compromise did not mean very much, for it did not decide at all whether free negroes were citizens or not. It was a general and vague form for which the moderates from both North and South could vote. Clay provided that when the Missouri legislature had given this pledge in a form satisfactory to the President, the President should declare Missouri a member of the Union. The Missouri legislature gave the pledge required, and President Monroe declared Missouri admitted to the Union on August 10, 1821.

Governor McNair. — Before we take up the history of the state of Missouri after it was admitted, it is important to learn more about the men who took the lead in this struggle for statehood and in the first state government. John Scott and Judge Lucas we have studied already. Alexander McNair, the first governor, was a native of Pennsylvania. He came to St. Louis in 1804, and at once took a leading place in the little town, where he served as a judge of common pleas and a member of the first board of town trustees. He was prominent also in the militia, and was inspector-general in the War of 1812. Later, in 1814, he was candidate for delegate to Congress, but was beaten by Easton. Two years later he was appointed register of public lands in St. Louis. He was a member of the constitu-

tional convention in 1820. McNair was a man of very pleasing manner, popular with all classes, and not closely connected with any faction. Soon after he reached St. Louis he married the daughter of a prominent French settler, and this no doubt strengthened his influence. Although perhaps not a man of striking ability or great strength, his good sense, moderation, and general popularity made him just the man to be governor in this time of excitement. McNair died in 1826.

Barton. — David Barton, president of the constitutional convention, and Missouri's first senator, was the most influential man in Missouri during the fight for statehood. Barton was born in what is now Tennessee, then a part of North Carolina, studied at Greenville College, and later was admitted to the bar. In 1809 he came to Missouri and opened his law office at St. Charles. Like so many others of the ambitious young men, he served in the militia in the war, and after the war moved to St. Louis. Here he was for a time attorney-general of the territory and a judge of the circuit court. In 1818 he was elected to the territorial assembly and made speaker of the house of representatives. In 1820 he was chosen president of the convention.

Senator Benton. — Thomas Hart Benton had not yet won in 1820 the commanding place in Missouri politics which he later held for so many years. Benton was born in 1782 in North Carolina. He was educated in the grammar school, and spent not more than one year

at the University of North Carolina. His father was a man of education, and his mother was a woman of unusual force of character; to them he owed the taste for reading and study which he retained all his life.

When Benton was still a boy his father died, and in 1799 the family moved to their large land grant near Nashville, Tennessee. Here Benton had general charge of the plantation. In the winter he taught school, and whenever he could find time studied law, and was in due time admitted to the bar. From the first, politics interested Benton more than law. He was fortunate enough to win the friendship of Andrew Jackson, the leading man of western Tennessee, and was elected to the state senate in 1809. Although a new member and a young man, he drew up and secured the passage of a number of important acts, especially one remodeling the courts of the state.

When the War of 1812 broke out, and his friend Jackson was made a major-general, Benton became the colonel of a Tennessee regiment, and the intimate and confidential adviser of Jackson. But he ruined all his fair chances for a brilliant career in Tennessee by a violent quarrel with his friend. Both men were hot-tempered, impatient, and self-willed; perhaps they were too much alike not to quarrel. Jackson acted as the second to an opponent of Benton's brother in a duel. Benton denounced this in such unmeasured terms that Jackson declared he would horsewhip him. The next time they met there was a rough-and-tumble frontier fight, in which Jackson was badly wounded.

This quarrel ended Benton's hopes for the future in Tennessee, for Jackson was the idol of the state. So after the war was over Benton moved to St. Louis, just when, we do not know, but in 1817 he brought his mother from Tennessee and established a home.

Benton now began life over again. He was always very energetic and industrious in whatever he undertook, and never more so than in these first years in St. Louis. He built up a good law practice, especially in land cases, but, as always, was more interested in public affairs. He soon became a part owner and for a time the editor of a newspaper, the *St. Louis Enquirer*. His articles on western questions, and his fiery attacks on the party in Congress which was trying to restrict slavery in the compromise struggle, must have made him very well known. In local politics he joined the group of lawyers who surrounded Governor Clark. His quarrel with Jackson had not taught him moderation or self-control; he made many enemies, and, as we have seen, was involved in a most unfortunate duel. Perhaps the leaders who had lived longer in the territory thought Benton too ambitious, and treated him as a presuming newcomer, so that he was forced to fight for his rights. At any rate, he was forced to struggle desperately for his first election to the United States senate, and won by the narrowest margin. Still, when we remember how short a time he had been in Missouri, and how bitterly Lucas and others opposed him, we feel that Benton's election was a great tribute to his ability and determination.

PROBLEM

How Missouri became a state in the Union.

QUESTIONS

How did the Missourians feel about the delay by Congress? Why? How was this feeling expressed? What independent action was talked of? Why did the first compromise satisfy the Missourians?

What can you say about antislavery sentiment in Missouri? How was it shown? What sort of arguments were urged against slavery? How did the antislavery men in St. Louis try to attack slavery? Why were they beaten? What were the influential classes in Missouri? Why did they support slavery? Why did many others support it?

What can you say of the members of the constitutional convention? Who was its president? What other state constitutions influenced the convention? What were the provisions about slavery?

When were the first elections in Missouri? Who was the first representative in Congress? Who were the candidates for governor? Who was elected? Who was the first lieutenant governor? Who was Missouri's first senator? Who were the leading candidates for the other senatorship? Who was elected? Why? Who was Daniel Ralls?

What important laws were passed by the first general assembly? Who drew up the second compromise? What were its terms? When and how did Missouri finally come into the Union?

What do you know of Alexander McNair before he became governor? What kind of man was he?

What is said of David Barton as a leader? What was his record before he was elected senator?

What do you know of Benton's life before he went to Tennessee? What do you know of his life in Tennessee? Why did he get on so rapidly there? What ruined his future in Tennessee? What do you know of his life in St. Louis before 1820? Why did he have so many enemies there?

CHAPTER X

THE BEGINNINGS OF POLITICAL PARTIES IN MISSOURI, 1820 TO 1832

Parties and Party Politics. — As soon as Missouri became a state, politics and political parties became one of the most interesting things in her history. But we must not expect to find in the earlier days the well-organized parties with their machinery of conventions and committees which we know to-day. These belong to a later period in American history. Then, too, in 1820 there was only one party of any importance in national politics. Almost every one belonged to the old Republican party founded by Jefferson. James Monroe was reëlected President in 1820 with only one electoral vote against him.

In the West, at least in local politics, the people at this early day cared more about the man they were voting for than for the party. They demanded a candidate who was a real leader, honest, fearless, democratic, and outspoken. In Missouri, up to 1832, local elections turned more on men than on parties. In fact, the most interesting and important thing in Missouri politics for the first ten or twelve years was the gradual formation of the new Democratic party of Andrew Jackson, and the rise of its leader, Thomas Hart Benton.

Governor Bates. — In the first state election, in 1820, there was nothing at issue except the personal popularity and influence of the candidates. In the same way Scott was reëlected to the national house of representatives in 1822, and Barton to the national senate in 1824, with very little opposition. Even the second contest for governor, in 1824, was a contest between two very well-known and popular men, and not between parties. One candidate, Frederic Bates, had been the efficient and well-liked secretary of the territories of Louisiana and Missouri. His opponent, William H. Ashley, was a very successful pioneer in the Missouri river fur trade. He had been elected lieutenant governor in 1820. Bates won, but died in 1825. The most interesting event in Governor Bates's short administration was the visit of Lafayette to St. Louis in 1825. In his old age Lafayette was then revisiting the United States, for whose independence he had fought so bravely. Everywhere he was received with enthusiasm and respect, and all St. Louis turned out to do him honor. The general assembly changed the name of Lillard county to Lafayette. It was the steamboat that brought Missouri in close touch with the outside world, and made Lafayette's visit possible.

Governor Miller. — Abraham J. Williams, president of the state senate, served as governor for a few months until a special election could be held. This again was a bitter personal fight between individuals, won by John Miller. Miller was a native of Virginia. As a young man he moved to Ohio, where he was editor

of a paper. In the War of 1812 he was a colonel in the United States army, and served under General Harrison. After the war he was ordered to Missouri, and liked it so well that he resigned from the army and settled in Cooper county. Miller was the first man from the Boone's Lick country to secure a high office in the state; up to this time St. Louis and the southeast had had a sort of monopoly. Miller made an excellent record for the rest of Bates's term, and was elected for a full term of four years in 1828 without opposition. He was the last of the governors who secured the office so easily.

Black Hawk War.—The six years of Governor Miller's administration were years of great prosperity and growth, and of great activity in politics, as we shall see, but rather uneventful otherwise. Just at the close of Miller's administration the people of Missouri were very much alarmed over the Indian troubles to the north and east. Since the War of 1812 the Indians had not been a serious problem. The national government by 1832 had bought out all the Indian claims in Missouri and moved the Indians farther west. It was the same policy of crowding the Indian westward that brought on the Black Hawk war in Illinois and Iowa. There seemed to be danger that the trouble would spread across the Mississippi and lead to Indian attacks on the northeastern counties of Missouri. Governor Miller called out the militia and sent several companies to protect the frontier. After a thorough scout from the mouth of the Des

Moines river toward the Chariton, the force returned without meeting any hostile Indians. There were several battles with the Indians in Illinois and Wisconsin, but Missouri escaped. In the same year, 1832, Missouri found that her closer connection with the world was not an unmixed blessing. The Asiatic cholera broke out in St. Louis and caused many deaths. It returned the following year and several times afterward.

Presidential Election, 1824. — Meanwhile, in the presidential campaign of 1824 there may be seen the origin of real parties. In the country at large there was a contest among four men, all belonging to the old Republican party; John Quincy Adams, Jackson, Crawford, and Clay. Missouri favored Clay. The legislature had nominated him, and the people gave him the largest number of votes. But with so many candidates in the field it was plain before the election that no one man could get a majority of the electoral votes of the whole country. In that case the Constitution provided that the house of representatives should choose the President. For this reason, and because many felt he had represented Missouri long enough, John Scott met strong opposition and was reëlected as representative by only a small majority.

Surely enough, no candidate for President received a majority of the electoral vote. Scott was therefore to cast the vote of Missouri in the house of representatives. Barton, Benton, and Scott had all supported Clay in the popular election. But in the vote of the

whole country Clay stood fourth. The Constitution required the house to choose from the three names highest on the list, so Clay's name was dropped. Clay himself favored Adams, and asked his friends to vote for him. Barton also was for Adams, but Benton came out very strongly for Jackson. Scott hesitated long, but finally cast the vote of Missouri for Adams, who was elected. Their choice of Adams ruined the political careers of both Scott and Barton. Benton's support of Jackson made him supreme in Missouri politics for twenty years.

Benton and Jackson. — Benton had sat side by side with Jackson in the United States senate before the election. For some time the memory of their old Tennessee quarrel embarrassed both men. Gradually they renewed their early acquaintance, exchanged calls, and became friends again. Benton preferred Jackson to Adams for President because Jackson was a western man and represented western interests, and because Benton thought him Missouri's second choice. After Adams's election, Jackson's friends at once raised the cry that Jackson had been cheated out of the presidency by a bargain between Adams and Clay. They at once set about organizing a political party to elect Jackson four years later. Benton took the lead in this movement in Missouri. He himself was reëlected to the senate in 1826.

But it took time to organize the Jackson party; it did not figure in the election of Miller in 1825, nor very clearly in the defeat of Scott by Edward Bates in 1826,

for Bates was not a Jackson man. Scott now dropped out of politics. In 1828 the Jackson party triumphed, in the state as well as in the nation; it carried every county in Missouri. Of course this made Benton, the leader of the Jackson men, the most influential man in Missouri politics. His influence was shown in the election of representative in the same year. Bates, an anti-Jackson man, wished a second term, and two Jackson candidates appeared against him. To defeat Bates one had to withdraw, so Benton was asked to decide between them. He promptly chose Spencer Pettis, who was elected.

Defeat of Barton.—Barton and Benton were now personal enemies as well as political opponents. When Barton's second term expired in 1830 Benton used all his influence against him, and Barton was defeated. Only ten years before Barton had secured Benton's election with the greatest difficulty, and now Benton was supreme. Barton at once appealed to the people of the state as the candidate of the anti-Jackson men against Pettis for United States representative, but was again defeated. Barton was later elected to the state senate, and died in 1837. Few citizens of Missouri of to-day have ever heard of David Barton, Missouri's first United States senator, but the state owes him much, particularly for his part in drawing up the first constitution.

Senator Buckner.—To succeed Senator Barton in 1830 the general assembly chose Alexander Buckner of Cape Girardeau county. Like so many of the United

States senators and the governors in this earlier period, Buckner was born in Kentucky. He studied law, and moved first to Indiana, and then, in 1818, to Cape Girardeau county. Only two years later he was chosen a delegate to the constitutional convention of 1820. Buckner was a prominent Mason in both Indiana and Missouri. He was a senator only three years when he died of cholera at his farm near Jackson.

Missouri a Democratic State.— When the next presidential campaign took place, in 1832, there were two political parties in the nation and in the state. For President the Democrats nominated Andrew Jackson; the National Republicans, or Whigs, as they were soon called, nominated Henry Clay. Both were western men. The Democrats made a clean sweep in Missouri, in both national and state offices. So Missouri definitely cast in her lot with the Democratic party, and remained faithful to it until the Civil War.

The reasons for her choice are not hard to find. In the first place Jackson was exactly the sort of man the majority of the Missourians demanded for a leader. He had shown his bravery and fighting spirit against the Indians and against the British at New Orleans. He was absolutely honest and outspoken, and he was a plain man of the people, who thought and felt as the people did. He was, above everything else, a representative westerner. The people of Missouri also agreed with Jackson that the great national bank was dangerous to the liberty of the people because it was a monopoly and favored the money class in the East.

Then, too, the influence of such a leader as Benton must not be forgotten.

Missouri Whigs. — Not all the Missourians, however, were Jacksonian Democrats. The mercantile classes in St. Louis and the merchants generally preferred Henry Clay and a more moderate platform. On the whole the older sections of the state, especially the Boone's Lick country and the northern Mississippi section, felt the same way. No doubt the fact that the majority of these settlers came from Kentucky made them more friendly to Clay, but they were Whigs chiefly because the leaders were men of means, many of them slave owners, and so more conservative and less democratic than the people of the newer sections. This general political division of the state lasted until the Civil War. For years Boone was the banner Whig county of the state.

PROBLEM

How Missouri became a Democratic state.

QUESTIONS

How did party politics in 1820 differ from party politics to-day? What were the national parties in 1820? What interested the westerners most in politics in the earlier days? What did they demand in a leader?

What influence decided the local elections in Missouri up to 1828? Who was the second governor of Missouri? What do you know about him? What was the most interesting event in his term? Who was Abraham J. Williams? Who was the third elected governor? How long did he serve? What do you know about him?

How were the Indians removed from Missouri? What caused the Black Hawk war? Where was it? How did it threaten Missouri? How did Governor Miller guard against it?

Who were the candidates for President in 1824? Which did Missouri favor? How was it that the house of representatives made the final choice? Why was Clay not voted for there? Who was elected? Whom did Benton favor for President? Barton? Scott? What effect did their choices have on their political careers?

Why did Benton favor Jackson? What were their personal relations? What were the plans of Jackson's friends for the next election? What part in them did Benton take? How did Missouri vote in 1828? How was Benton's influence shown? Why was Barton defeated as United States senator? What do you know of his later life? Who succeeded Barton as senator? What do you know of him?

What were the parties and candidates in the presidential election of 1832? Which did Missouri choose? Why? What parts of the state were Whig? Why?

CHAPTER XI

MISSOURI POLITICS AND HISTORY, 1832 TO 1844

Representatives in Congress. — Now that political parties had been organized in the state, by 1832, the details of candidates and elections were not so interesting and important. Then, too, the history of the state became more eventful. Spencer Pettis, you will remember, had been Benton's choice for representative in 1828. Two years later Pettis was reëlected, but he never returned to Washington. The issue in the campaign in Missouri was the national bank. Pettis, like Jackson, attacked the bank and its president, Nicholas Biddle. Major Biddle, a brother of the bank president, was stationed at St. Louis, and was so angered by these attacks that he horsewhipped Pettis. After the election was over Pettis challenged Biddle to a duel. Biddle was so nearsighted that the two were placed back to back only five feet apart. When, at the word of command, both wheeled about and fired, their long dueling pistols overlapped. Each was mortally wounded. Public opinion had been growing steadily against dueling, and this encounter went far toward discrediting the practice.

In a special election William H. Ashley was chosen to succeed Pettis. His wonderful success in the fur trade

had made him one of the richest and best-known men in the state. He was twice reëlected, in 1832 and 1834. Ashley owed his success to his personal popularity, for in politics he was a moderate Whig. After 1830 the increase in population entitled Missouri to two representatives, and after 1840 to five. But up to 1844 the only other representative of great importance in Missouri history was ex-Governor Miller, who served from 1837 to 1843.

United States Senators. — These years in the thirties were the time of Benton's greatest influence in Missouri politics. The whole state was proud of the high place he had won at Washington. The Democrats rejoiced that their leader was the close friend and right-hand man of their hero, Andrew Jackson. Benton, too, was very active and successful in securing laws about two important local problems, the public land and the trade with the West and the Southwest. Benton was triumphantly reëlected to the United States senate in 1832 and 1838.

Benton's colleague from 1834 to 1843 was Dr. Lewis F. Linn of Ste. Genevieve. Linn was a Kentuckian. He was educated as a physician, and came to Ste. Genevieve in 1815. He had served in the state senate before he went to Washington. He was a man of fine character and of unusual sweetness of temper. Benton had a warm personal affection for him, and worked with him without any friction, a thing rather unusual for Benton. Linn's great contribution to Missouri's development was the Platte Purchase. This was the

present northwest corner of the state, which he induced Congress to add to the original area of Missouri. Linn was also so much interested in the Oregon trade and the settlers there, and defended their interests so warmly, that he was often called the senator from Oregon. Linn was twice reëlected with hardly any opposition, Whigs and Democrats alike voting for him. He died in office in 1843, regretted by all. His successor, David R. Atchison, belongs to the next period in Missouri history.

Governor Daniel Dunklin. — The three governors of the period we are studying were all from Kentucky, and all Democrats. One could almost say that these were two necessary qualifications for high office in those days. Daniel Dunklin, who was elected in 1832, was, it is true, born in South Carolina, but moved to Kentucky at an early age. Dunklin came first to St. Louis, and then settled at Potosi in 1810. He was a member of the constitutional convention of 1820 and lieutenant governor under Miller.

Governor Dunklin's term was a time of very great prosperity. The population was increasing faster than at any other period since the great immigration after 1815. So prosperous were the people that there was a great demand for better means of transportation, and railroads were enthusiastically discussed and planned. It was during Governor Dunklin's time that Congress added to the state the Platte Purchase already mentioned, although Missouri did not take possession until 1837.

The Mormons in Missouri. — A new sort of settlers, the Mormons, in the western part of the state, began to cause trouble in Governor Dunklin's time. The Mormon church first appeared in western New York in 1830, but was so bitterly opposed by the people that Joseph Smith, its founder, moved it to Ohio. It was a time of great religious excitement all through the West, and the new church grew rapidly. But Smith wished to settle his church on the frontier, where he would not be interfered with, and he had preached that the conversion of the Indians was one of its great missions. So in 1831 Smith led a small exploring party westward. He fixed on Independence, Missouri, then on the very edge of settlement, as the seat of the Mormon Kingdom and the Promised Land.

Mormons from the East followed rapidly, until two years later there were twelve hundred of them in and around Independence, in Jackson county. They made up about a third of the total population of the county. A Mormon paper and printing press were set up. In the newspaper and in their sermons and conversation the Mormons declared that they were to possess the country. Naturally the other settlers resented this, first by breaking windows and the like, and then by a general county meeting. This meeting declared that the Mormons were meddling with the negroes, that they were guilty of immorality, theft, and blasphemy — in short, that they were undesirable citizens. The real trouble seems to have been that the other settlers were afraid that the Mormons would soon be in the majority

in the county, control the government, and then that no man's property would be safe.

Expulsion from Jackson County. — This county meeting demanded that the Mormons leave the county. The Mormons asked for delay, but their newspaper office was destroyed and two of their leaders tarred and feathered. After a little more persuasion of the same sort the Mormons promised to move by the first of January. But after the other settlers went home the Mormons appealed to Governor Dunklin. At first he did not quite understand the situation, and promised them protection. Their failure to keep their agreement caused a miniature civil war, in which the Mormons were outnumbered and beaten. Then, with considerable suffering and loss of property, they moved across the Missouri River to Clay county.

In Clay the Mormons lived in peace for three years. Then in Clay county also a county meeting was held, about the same charges were brought against the Mormons as in Jackson county, and they were invited to move on. By this time they knew that the local courts would not protect them, and the governor now refused to interfere to help them. They asked the general assembly to organize a new county for them, where they would not be interfered with. The assembly consented, and the Mormons moved back on the unsettled prairie to their new county of Caldwell. Here they laid out the town of Far West and began to build their temple.

Governor Boggs. — In the state election of 1836 Lilburn W. Boggs was elected governor. He had been lieutenant governor for the four years previous. Boggs had been a banker at St. Louis, and like his opponent in this election, William H. Ashley, had been very active in the fur trade. Governor Boggs had an eventful administration. The great panic of 1837, the first state bank, and the beginnings of a school system and of the state university will be described in the next chapter. Other interesting and important events were the later stages of the Mormon trouble, the dispute about the northern boundary line, and Missouri's share in the Seminole war.

The Mormons Expelled from Missouri. — The Mormons caused more trouble than ever. For two years they had lived quietly in Caldwell county. Then Smith and other leaders appeared from Ohio. Their land and bank speculations had gotten them into trouble with the authorities there, so they were forced to flee from arrest. Smith was not at all satisfied with the plan of shutting the Mormons up in one county. He began new settlements on the Grand river in Daviess county and on the Missouri in Carroll. He also organized a secret military society in the church and talked and preached rashly about exterminating his enemies and possessing the earth. Of course there could be but one result. The people of the surrounding counties believed that the Mormons had broken their agreement by settling outside of Caldwell county, and resolved to drive them from the state. There were

several skirmishes, and plundering and barn burning were common on both sides.

Governor Boggs then called out the militia to restore order, and the Mormons made the great mistake of attacking a company of state troops. This put them entirely in the wrong, for they were resisting the powers of the state. Governor Boggs called out the militia of all the western counties, and the people were only too anxious to respond. The Mormon capital at Far West in Caldwell county was surrounded with an overwhelming force, and the Mormons surrendered. They agreed that their leaders should be given up for trial, and that the rest should give up their arms and leave the state. These hard terms were carried out. None of the leaders were punished. Some were released and others escaped from the officers. Smith finally reassembled his followers at Nauvoo, Illinois. Whatever we may think of the way in which they were driven out, the state was certainly much better off without the Mormons.

Northern Boundary. — After the Platte Purchase was added to Missouri, the assembly ordered a survey of its northern boundary. This led to a long dispute with the territory and state of Iowa. When Missouri was admitted as a state the northeastern corner was described as the rapids of the Des Moines river. As a matter of fact, the rapids were located in no one place, but there were some miles of broken water. Naturally Missouri claimed that the northern end of this stretch was meant. The governor of Iowa territory was cer-

tain that the boundary line was twenty miles farther south at the Des Moines rapids in the Mississippi. The dispute became so angry that in 1840 the Iowa militia was actually ordered out, but no blood was shed. At a later time a Missouri sheriff who was trying to arrest a man in the disputed territory was himself arrested by the Iowa authorities. He was sentenced to imprisonment, but pardoned at once. Finally the dispute was carried to the United States Supreme Court, which established the present northern boundary. The court decided against both Iowa and Missouri and went back to an old Indian treaty line, which was no doubt what Congress had in mind in 1820. (See map, page 109.)

Seminole War. — When Congress tried to move the Indians from Alabama and Georgia across the Mississippi, some of them refused to go and fled to the swamps of Florida. This brought about a long and costly Indian war. In 1837 the government called on Missouri for volunteers. Accordingly a regiment was raised under Colonel Richard Gentry and carried by water down the Mississippi and around to Tampa. In the battle which followed soon after their arrival the Missourians suffered severely, and their leader was mortally wounded.

Governor Thomas Reynolds. — In the state election of 1840 the Whigs were unusually active, but the Democrats won as usual. The new governor was Thomas Reynolds. He came from Kentucky through Illinois, where he had been on the bench of the supreme court.

He settled in Howard county in 1828. Reynolds had been a member of the general assembly and speaker of the house. In 1844, a few months before the end of his term, Governor Reynolds committed suicide, and Lieutenant Governor M. M. Marmaduke finished the term. These four years were a rather trying time in Missouri. The people were recovering slowly from the panic, and times were hard. It was a time, too, of growing dissatisfaction with Benton and the older leaders. The annexation of Texas was the most interesting question in national affairs, but that will be studied in Chapter XIII.

PROBLEM

What were the important events in Missouri history, 1832 to 1844?

QUESTIONS

What were the causes of the Pettis-Biddle duel? Who was Biddle? Describe the duel. What were the results? Who succeeded Pettis? What were his politics? How do you explain his election? How many representatives in Congress did Missouri have after 1830? after 1840? What other prominent representative is mentioned?

Why was Benton so influential in the thirties? Who was his colleague? What do you know about him? What was his great service to the state? What was he sometimes called? Why?

What do you know of Governor Dunklin? What can you say of the prosperity of the state in his time? Who was the founder of the Mormon church? Where did it begin? Why did the Mormons come West? Where did they first locate in Missouri? Why did the other settlers object to them? What charges were brought against them? What was the real reason for the attack? How were they expelled from Jackson county? Where did they go? What happened there? What plan was then adopted?

What do you know of Governor Boggs? What were the chief events in his term? Why did the Mormon trouble break out again? Who was responsible? What action did Governor Boggs take? What was the great mistake of the Mormons? What terms were granted them? What became of them?

How did the dispute over the northern boundary arise? What were two incidents in the dispute? How was it settled? What was the Seminole war? Describe Missouri's part in it.

What do you know of Governor Reynolds? What were the chief events in his term? Who was M. M. Marmaduke?

CHAPTER XII

THE CONQUEST OF THE WILDERNESS, 1820 TO 1845

Increase of Population.—In the years from 1820 to 1845 the greater part of the state was settled, and passed out of the earlier frontier conditions. Indeed, the most important thing in Missouri history in this period was not politics at all, but the great advance in the struggle with the wilderness. We cannot trace this wonderful development in any detail, but we can get an idea of it by glancing at some of the results.

The United States census by itself tells a convincing story. In 1820 there were in Missouri proper, without the part just set off as Arkansas, a little over sixty-five thousand (66,586) people. This was more than six times the population of 1804, and three times that of 1810. In the next ten years Missouri increased more than twofold, to over one hundred forty thousand (140,455). Between 1830 and 1840 the increase was well on toward threefold, to nearly three hundred eighty-five thousand (383,702). In 1845 there were at least a half million people in the state. The whole nation was growing rapidly, and the whole West at a marvelous rate, but Missouri was growing even faster. In 1810 she stood twenty-third among the states and territories, and in 1840, sixteenth. She then outranked

three, all there are to-day in this half of the state, except Worth, which was organized in 1861. The extension of settlement along the Missouri had reached the western boundary of the state and spread back into the interior. Settlement had worked back from the old Boone's Lick and Mississippi river sections until the two streams of population met, so that the whole northeast section of the state was well developed. The most thinly settled and backward counties north of the river were the newer ones, perhaps two deep, along the Iowa line.

Then the very fertile section west of the Boone's Lick country and south of the Missouri attracted thousands. The fertile section around Springfield attracted another group. In the center and southeast the Ozarks as ever barred the way, but settlers were taking up the more level and fertile parts even there. Taking the state as a whole the parts still little settled were the Ozarks and the southwestern border. It was from these sections that most of the later counties were formed.

Origin of Settlers. — Kentucky and Virginia still furnished the largest number of the new settlers, followed by Tennessee and North Carolina. As always, they were drawn by the lure of cheap and fertile land. Newer elements were beginning to appear, especially the Germans, from Pennsylvania or direct from Germany. They founded Hermann in 1837 and 1838, and soon made Gasconade a German county. Others came into the older counties along the Mississippi. After 1840 the stream of northern settlement reached Missouri

through Illinois and Iowa. But as yet there was only a beginning of these new elements, and the people of Missouri were of a common origin and common ideals, with one great exception. About one sixth of the population were negro slaves, who were increasing about as rapidly as the whites. These slaves were not distributed evenly throughout the whole state, but were to be found for the most part in the older counties along the two great rivers.

Schools. — The increase in wealth and comfort more than kept pace with the increase in population. By 1845 the log cabin was disappearing in many parts of the state, the fields were cleared, the Indians had been removed from the state, and the worst hardships of the pioneers were unknown to the younger people. There was time and money now for something more than the hard struggle with the wilderness. In the thirties the private academies, the forerunners of the public high schools of to-day, brought education within the reach of boys at least. In 1839 the legislature made a rather elaborate provision for a public school system, although it was some years before it was in working order. In the same year the state university was established, and after a spirited contest between the counties was located at Columbia in Boone county.

Towns. — Almost all the Missourians were farmers and lived outside the towns. Indeed, there were as yet no cities such as we know to-day. St. Louis was of course the largest, growing steadily but slowly. In 1820 it had about five thousand inhabitants; in the

next twenty years it increased over threefold to about sixteen thousand five hundred. The other towns were the county seats, most of them of less than a thousand people, and the river towns. The Mississippi and Missouri were the great highways of trade to which the people brought their surplus for export. Many a Missouri river town of those days is now almost deserted; others, such as Boonville, Liberty, and Independence, have survived the railroads. After Franklin was washed away, Independence and Westport Landing (now Kansas City), near by, were the most important ports on the Missouri river, and Hannibal, on the Mississippi. The Osage and the Gasconade were the outlets of the southern part of the state, and Warsaw and Osceola were important shipping points and centers of trade.

Transportation. — The difficulty of getting the crops to market was the hardest problem of the farmers in Missouri and in the West generally. In the thirties population was increasing, prices were high, there seemed no limit to the prosperity. Therefore many of the western states borrowed immense sums to build canals and roads and improve the rivers. The great success of the state of New York with the Erie Canal, opened in 1825, encouraged this reckless expenditure. The people of Missouri were just as much interested in transportation, but they were more conservative than the people of the Northwest. The great rivers were fairly satisfactory anyway, and the state did not adopt any ambitious scheme of improvement.

Instead, many miles of pike, rock, gravel, and plank roads were built with private capital. Tolls were charged for the use of these roads, which at that time were very profitable to the builders and very useful to the whole community. Such roads were commonly built from some port on a river back to a town in the interior. In the East the railroad, as an improved method of carrying passengers and freight by land, was just coming into use. In 1836 an enthusiastic convention at St. Louis planned to introduce the railroad into Missouri, and suggested a number of lines, most of them radiating from St. Louis. The assembly chartered companies to carry out these plans, but it was nearly fifteen years before railroad building was actually begun.

Banks. — The West complained, too, that there was not enough money in the section to carry on the business, and that it was impossible to borrow money to develop the country. One reason why the West generally supported Jackson's attack on the United States Bank was that it blamed the bank for this difficulty. They felt that the bank was an eastern institution, with a control of banking and money of the whole country for the benefit of the East. After Jackson destroyed the bank, most of the western states permitted the most reckless policy in the local banks. These put out floods of paper money with very little gold or silver behind it, and loaned money for all sorts of speculations. Here again Missouri was much more conservative than most of her neighbors.

Two banks had been started at St. Louis in the territorial period, after 1815. Both had failed in 1819. Thus banks were in bad repute when the state constitution was drawn up, and strict limits were placed on the power of the assembly to charter banks. A branch of the United States Bank was located at St. Louis, and later a branch of a Cincinnati bank. It was not until 1837 that the assembly made use of its limited powers and chartered the first bank of the state of Missouri. The state subscribed for half the capital, and kept a strict supervision over it.

Panic of 1837. — When to the real prosperity and wonderful growth of the West there were added all this extravagant road and canal building by the states, this flood of paper money, and the new banks and their loans to speculators, there followed a “boom” such as the West had never known. Every one speculated in something, and prices soared sky high. Flour sold for ten dollars a barrel and cotton for 20 cents a pound, and other things in proportion. The favorite form of speculation was public land, for the national government still sold at the old rate of \$1.25 an acre, although the market price might be two or three times as much. The land sold so rapidly that the national public debt was paid off and a great surplus heaped up in the treasury. This in turn went to the banks and finally was deposited with the states, where it was used for more speculation.

Of course such a boom could not last; a panic and hard times were sure to come. President Jackson

made the panic more severe by his well-meant but clumsy efforts to check the flood of paper money. As always happens in a panic, all at once every one lost confidence and wished to sell out and take his profits. The banks called in their loans, prices went down with a rush, and thousands were forced into bankruptcy. Then came some years of hard times and a slow recovery of prosperity. Missouri suffered with the rest in this panic of 1837, but she escaped much of the worst of it. She had not piled up a state debt so great that she felt forced to refuse to pay it, as did some of the neighboring states. The lack of banks had made it harder for her citizens to speculate wildly on borrowed money.

The Fur Trade. — Agriculture had never been the only interest of Missourians. The lead mines were still important, though not to so great a degree. The fur trade of the Far West and the new trade with Santa Fe grew tremendously. In the fur trade the most interesting man was William H. Ashley, who figured so often in politics. Ashley was a typical westerner, enterprising, ambitious, and willing to turn his hand to anything. He came to St. Louis from Virginia just before the Purchase. Here he was in turn real estate dealer, manufacturer of powder, promoter of lead mining, and a banker. He rose through the different ranks of the militia until he became general in 1822. In 1820 he was elected the first lieutenant governor of Missouri.

Two years later he entered the fur trade on the Missouri. His first venture was disastrous: the Indians

captured his goods, and he barely escaped with his life. Then his fortune changed, and year after year his agents brought back down the Missouri wonderful packs of fur. By 1830 Ashley had a comfortable fortune, and retired from business and reëntered politics. Until his death, eight years later, he was, next to Benton, probably the best known and most influential man in Missouri.

During the few years Ashley and his partners were engaged in the fur business, they took out at least a half million dollars' worth of furs. Their agents and hunters explored the whole southern watershed of the Missouri, the Great Salt Lake, and one even crossed the mountains into southern California. Their explorations opened up the famous South Pass through the Rockies, and blazed the way for the Oregon Trail and the Great Salt Lake Trail, to be traveled later by thousands of Missourians.

After Ashley retired, the fur trade continued extremely profitable, but the romance had gone out of it. Rich merchants with abundant capital forced the small traders out of business. The government gave protection from the Indians, and the steamboats plied regularly between St. Louis and the headwaters, and so put an end to the hardships. Until the Civil War and later this fur trade was one of the foundations of the prosperity of St. Louis.

Oregon. — It was not long before settlers followed the fur traders into Oregon. First came the New England missionaries to the Indians, and then, after 1840,

the actual settlers. The majority of them were from Missouri, and the Willamette valley in Oregon was simply a section of Missouri transplanted to the Far West. At about the same time Missourians began to drift into southern California. Among these was ex-Governor Boggs.

Santa Fe Trail. — Side by side with this commerce of the mountains there was growing the commerce of the prairies with Santa Fe and the far Southwest. Santa Fe was isolated, far inland, and until the Americans came, looked to Vera Cruz in Mexico for supplies. Missouri was actually nearer. As long as the Spanish ruled Mexico they forbade all trade with the Americans, but when Mexico became independent the way was opened. In 1821 William Becknell, with a few adventurers, started out from Franklin in Howard county and followed what later became the Santa Fe trail. They reached Santa Fe, sold out, and returned in safety. Wagons were used the following year, and soon a regular caravan traveled the trail every year. In 1825 the United States government surveyed the trail and made treaties with the Indians. This trade with the Southwest was extremely profitable and important until the Civil War and the coming of the railroads. The Atchison, Topeka, and Santa Fe railroad follows the old trail for hundreds of miles.

The Mexicans wanted all sorts of manufactured goods, especially cotton cloths. They offered excellent prices and paid in ready money, always hard to get on the frontier, so the trade was very attractive. Then, too,

unlike the fur trade, it did not demand either a large amount of capital or a long stay in the wilderness. Any young farmer who had a wagon and horses and could mortgage his farm to buy his goods might return in a few months with a handsome profit. Many of the younger men along the Missouri were engaged in the Santa Fe trade at one time or another, but few went to the mountains.

The Santa Fe caravans assembled at some Missouri river town and secured their outfits. At first Franklin was the starting point, but as the river began to wash away the town and the steamboats became more numerous, Independence supplanted it. Westport Landing, just above Independence, and a better landing place for the steamers, was later the beginning of Kansas City. After buying their outfits the different traders usually set out separately or in small groups to Council Grove in central Kansas, some one hundred and fifty miles. When they were all assembled here the caravan was organized and officers elected. The chief dangers in the remaining five hundred and fifty miles were from hostile Indians and from lack of water. The Indians seldom seriously molested the main caravan, but did sometimes cut off small expeditions.

PROBLEM

The progress of Missouri, 1820 to 1845.

QUESTIONS

What was really the most important thing in Missouri history, 1820 to 1845? How fast did the population increase, 1810 to 1820?

1820 to 1830? 1830 to 1840? 1820 to 1840? About how many people were there in Missouri in 1845? What was her rank among the states and territories in 1810? in 1840?

What do the new counties tell you about the population? What changes were there in counties north of the Missouri, 1820 to 1845? after 1845? What sections south of the river were being settled? Where were the backward parts of the state? Where had most of the settlers come from? What new elements were beginning to come in? What proportion of the population was slave? Where were most of the slaves?

What can you say of the schools? When and where was the state university established? How much had St. Louis grown? Where were the other towns? How large were they? Name some of the river towns.

What was the greatest problem of the farmers? How did the northwestern states try to solve it? What was done in Missouri? What other plan was discussed? Why did the West oppose the national bank? What was the result of its destruction? What were the earliest banks in Missouri? When was the first bank of Missouri chartered?

What were the causes of the great boom in the West in the thirties? What was the favorite subject for speculation? Why? How did the panic come? How did Jackson make it worse? In what ways did Missouri escape the worst of the panic?

What do you know about William H. Ashley as a business man? How successful was he in the fur trade? What is said of the later fur trade? of the exploration and settlement of the Far West?

Why did Santa Fe look to Missouri for trade? Why was not the Santa Fe trade developed earlier? Who was the pioneer in the trade? What were the articles traded? Why was the trade so attractive? Where were the headquarters for caravans? Describe the methods used; the dangers.

CHAPTER XIII

NEW ISSUES AND NEW LEADERS, 1844 TO 1849

The New Era. — By 1845 Missouri had recovered from the panic and was once more very prosperous and increasing rapidly in population. But the first or pioneer period in her history was past. Up to this time her people had been for the most part of the same general stock, from the eastern border states. While they had fought vigorously over politics, their real interests and ideals were much the same. After 1845 prosperity, wealth, and population increased as before, but the people were no longer united. The Germans and the Irish began to come in large numbers, and the northern immigrants from Ohio, Indiana, and Illinois became a very important part of the population. Then the whole nation was dividing on sectional lines, North and South. Missouri, with her geographical position and her mixed population, was torn asunder by this sectional division. And finally the older generation of leaders, with the exception of Benton, had almost all passed off the stage, and the younger men had different ideals.

Constitutional Convention of 1845. — For ten years at least there had been a movement in Missouri for a new constitution which would represent better the newer ideas of government. Finally, in 1844, the

people voted for a convention to revise the constitution. This convention met in 1845 and drew up a new frame of government. In general it was much more democratic and less conservative than the original constitution. For example, it shortened the terms of many officers, and provided for the election of many who before had been appointed. The constitution was thoroughly discussed, and at the next election rejected by the people. It would seem that some voted against it because it was too radical, and others because it was not radical enough, and between the two it was defeated. Many of its proposed changes were adopted in the following years as amendments to the old constitution.

New Political Issues. — In Missouri politics we have now a situation hard to understand and hard to explain. The difficulty is this, that there were really two issues which are so interwoven and joined together that it is hard to untangle them. One issue was the sectional struggle about slavery in the territories; the other was the determination of the younger Democrats to get rid of Thomas Hart Benton. The two issues were joined together because the open attack on Benton was made chiefly on the sectional questions. The general reasons for the growing hostility to Benton will be explained more fully in the next chapter.

The first attack on him, made in the election of 1844, was based on two issues. In the first place Missouri, like all the West, believed in paper money. When

the panic came their remedy was more paper money. Now Benton was such an enthusiastic believer in hard money — gold and silver — that he was nicknamed “Old Bullion.” He refused to yield a particle during the panic. Again, his stand in the senate on the annexation of Texas was not popular in Missouri. This last issue was so important in its results that it must be explained more fully.

Annexation of Texas. — For a long time the United States claimed Texas as part of the Louisiana Purchase, but gave it up to Spain in 1819 in return for the Floridas. Just at the same time the first Americans were settling in Texas. Moses Austin and his son Stephen, from Potosi in Missouri, received a very large grant of land from the Spanish. Other Americans followed, very much as an earlier generation of Americans had settled in Missouri while it was still Spanish territory. These Americans were hundreds of miles from the nearest Spanish government, and did about as they pleased. They were not interfered with for a long time after Mexico declared herself independent of Spain. But when, in 1835, the Mexican government sent an army to Texas and tried to establish a real control over it, the Texans declared their independence. Although the Mexican army was much larger than the Texan, the latter was victorious, and Texas became an independent state.

Ever since the Americans began to settle there, the United States government was anxious to regain Texas. President John Quincy Adams and President Jackson

tried to buy it from Mexico. When the Texans revolted the Americans sympathized with them. The Texans themselves were anxious to come under the United States flag. Soon after Texas' won her independence, she proposed that she be annexed to the United States. But at that time neither Jackson nor Van Buren was willing to favor this. They knew the North would oppose adding so much slave territory to the Union. In 1844 President Tyler was restrained by no such considerations, and made a treaty of annexation with Texas. The senate refused to ratify this, but soon after, in 1845, both senate and house passed a joint resolution annexing Texas as a state.

Missouri had been very much interested in this whole Texan question. Many young Missourians had gone to Texas either to settle or to take part in the war of independence. The Santa Fe trade was growing every year and would be much more valuable if Santa Fe were part of the United States. Then the Missourians, like all the westerners, were eager for more territory and more cheap land. Public opinion in Missouri was almost unanimous for immediate annexation. This Benton courageously opposed until the very end. His contention was that Mexico had never recognized the independence of Texas, and immediate annexation meant war with Mexico. He was not against bringing Texas into the Union, but insisted that an understanding with Mexico must come first. At the end he was persuaded to withdraw his objection and vote for annexation.

Election of 1844. — The rising opposition to Benton was clearly shown in the state election. The Whigs put up no candidate for governor, but the Democrats divided into two factions, the “Hards” and the “Softs,” on the money question. The “Softs” were opposed to Benton, and were supported by most of the Whigs. But in this first encounter Benton was easily victorious, and the “Hard” candidate, John C. Edwards, was elected. Benton himself was reëlected by the assembly for another term, his last in the United States senate. The younger men, however, were coming to the front. Two future governors of the state, Sterling Price and John S. Phelps, were among the representatives to Congress. Another, Claiborne F. Jackson, was chosen speaker of the Missouri house of representatives. Even the new United States senator, David R. Atchison, who succeeded the lamented Linn, belonged to the younger group and was an opponent of Benton.

Governor Edwards. — Governor Edwards himself, although a supporter of Benton, was a comparatively young man. He came late to Missouri, settling in Jefferson City in 1828. Although he was a newcomer and only twenty-four years of age, Governor Miller appointed him secretary of state, an office which he held for seven years. Edwards had served one term in Congress before he became governor. Like Governor Boggs, Edwards later moved to California and became a leading citizen in his new home.

Mexican War. — Mexico had not been at all pleased with the annexation of Texas, for she still claimed

Texas as part of her territory. Trouble might have been avoided but for two things: the United States and Mexico could not agree on the proper boundary of Texas, and President Polk was determined to get New Mexico and California also. United States troops were sent into the strip of land in dispute, the Mexican troops fired upon them, and war began.

Doniphan's Expedition. — The Missourians had been much pleased at the annexation of Texas, and were eager to serve in the war with Mexico. Almost as soon as the news of the declaration of war reached St. Louis, several hundred men enlisted and hurried down the river to New Orleans. In May, 1846, Governor Edwards called for volunteers for an expedition against Santa Fe, and in a few weeks more than fifteen hundred volunteers gathered at Fort Leavenworth in Kansas. They chose as their colonel Alexander H. Doniphan, one of the best-known and best-liked men in western Missouri.

The commander of the expedition was General Kearny of the United States army, who had with him some three hundred United States cavalry. Wagon loads of provisions and droves of cattle were sent on ahead, and more than four hundred traders with their wagons followed behind. After a march of more than nine hundred miles in less than fifty days the expedition reached Santa Fe and took it without any fighting. General Kearny and his regulars then left on an even harder march to California, and Doniphan was left in command in New Mexico. He made a long expedi-

tion against the Indians, and compelled them to make peace, but as soon as Sterling Price arrived with a second Missouri regiment over the Santa Fe trail, Doniphan started southward.

His orders were to join General Wool, who was to start from the mouth of the Rio Grande, at Chihuahua, a city in north-central Mexico. Doniphan accordingly set out from Santa Fe with less than a thousand men to march nearly six hundred miles through the enemy's territory. He had a brisk fight at Brazito, near El Paso, on Christmas day, and two months later defeated a Mexican army three or four times the size of his, at Sacramento, outside of Chihuahua. But the authorities at Washington had changed their plans, and General Wool had never set out at all. Doniphan rested his men for two months here in the heart of Mexico, hundreds of miles from any support. In April and May he marched eastward to the mouth of the Rio Grande, and there at last found an American army. The Missourians were sent by water to New Orleans and home by the Mississippi. In all, this regiment under Doniphan marched over three thousand miles by land, and traveled over two thousand by water. Doniphan's expedition is perhaps the most remarkable military expedition in our history.

Meanwhile a second regiment had been organized in Missouri. Sterling Price, a young member of Congress, resigned his seat to take command. It was this regiment, as we have seen, that relieved Doniphan when he started for Chihuahua. Price had to

deal with a serious revolt of the Mexicans and Indians. In fact, this second regiment, which never went beyond Santa Fe, lost more men than Doniphan's on its wonderful march. Hardly had Price started for the Southwest when still another regiment gathered in Missouri, but the United States government decided that it was not needed, and ordered it disbanded. A little later, when Price met so much trouble, a fourth regiment was sent to his assistance. Other detachments of Missourians were sent to protect the Oregon Trail and the Santa Fe Trail. Altogether Missouri furnished over five thousand volunteers for the war, and stood ready to furnish more if they were needed.

Results of the War. — When peace was made with Mexico the United States received the Mexican states of California and New Mexico; that is, all the southwestern part of our country to-day. Immediately the question came up in Congress as to slavery in the new territory. The old Missouri Compromise line stopped at the boundary of the Louisiana Purchase, and did not apply to this southwestern section. Was slavery to be forbidden in this Mexican cession, or was it to be permitted everywhere in it, or was the Missouri Compromise line to be extended to the Pacific? While Congress was debating these questions more and more angrily, gold was discovered in California. Americans from all sections, including many from Missouri, rushed to the gold fields. Within two years the Americans in California drew up a constitution and applied for statehood. As this constitu-

tion forbade slavery, and California extended north and south of the old compromise line, the line could not be extended to the Pacific if California were admitted.

Missouri, as a western state and a slaveholding state, was deeply interested in this problem of slavery in the new territory. In the United States senate Benton took a very independent stand on this question. The final attack of his enemies was based on just this issue.

PROBLEM

The new leaders and new issues in Missouri, 1844 to 1848.

QUESTIONS

What were the new elements in Missouri's population after 1845? What was the new problem in national politics? What effects did these changes have on Missouri history? Why was a new constitution desired? When was it drawn up? What sort of changes were made? Name some of them. How did the people vote on the constitution? Why? How were the changes finally made?

What were the two new issues in Missouri politics? How were they connected? What were the two points of attack on Benton in 1844? What was his nickname? Why? How did the United States give up her early claims to Texas? What Missourian was a pioneer settler there? Why did the Texans revolt from Mexico? What were the early attempts of the United States to regain Texas? What did the Texans wish after their independence? How did Jackson and Van Buren feel about annexation? How was Texas annexed?

What was the public opinion in Missouri on annexation? Why? What was Benton's opinion? How did he vote finally? What parties were in the field in Missouri in 1844? What was the real issue? Which won? Name three younger men then becoming prominent. Who was the new senator? What do you know about Governor Edwards? What were the chief events in his term?

What were the causes of the Mexican war? What was Missouri's attitude? Who were the first volunteers? Describe the organization of Doniphan's expedition. How was it fed? Describe the march to Santa Fe and the capture of that city. What was the next move? What were Doniphan's orders? What do you know of the battle of Brazito? of Sacramento? How did Doniphan's men return?

Who commanded the second Missouri regiment? What do you know of its services? What other troops did Missouri furnish? How many in all?

What territory did the United States gain in the war? What new issue resulted? What solutions were suggested? Why was California settled so rapidly? How did her application for statehood complicate matters? How did these new issues affect Missouri politics?

CHAPTER XIV

THE FALL OF BENTON, 1848 TO 1856

Opposition to Benton. — Meanwhile the opponents of Benton were gathering their strength for the contest of 1850, when Benton would come up for reëlection to the United States senate. There are many different reasons for the attack on Benton and for his downfall. In the first place, wherever Benton went, all his life long, he made enemies. He had little patience with any one who did not agree with Benton, and seldom tried to win over or persuade his opponents. He could not understand anything but a direct attack on his enemies. He demanded that his friends should follow him without any questions and take his orders without discussion. Benton was proud of his own ability, honesty, and courage, and he had good reason to be, but he need not have regarded every man who disagreed with him as a rascal or a fool. Thus he made a great many personal enemies.

Then, again, Benton was no politician. He moved to Washington soon after his first election and made his home there all the rest of his life. He came back to St. Louis for a visit every summer, and every few years he went on a tour to the principal towns of the state. He did not know the younger men growing

up in politics, and did not care to. He expected the party to take his advice and orders, and laughed at the younger men as "boys." Frank P. Blair was the only younger leader that Benton liked and trusted. Benton refused to ask for offices and appointments for his followers and so build up a party. His idea was to appeal directly to the people through his speeches in Congress and through the newspapers, and ignore the local leaders.

For many years his methods were successful. The politicians, and especially the younger, ambitious leaders, did not like him, but the people trusted and admired him. Benton was never loved in Missouri; he was never really popular, but the people admired him. To them Benton was the close friend and loyal supporter of Andrew Jackson. He was also a champion of western interests, of cheap land and fur trade and western expansion. Missouri was proud of his high place in the nation's councils, and his enemies were powerless.

Benton's Loss of Influence. — But after 1840 there came a change in the Democratic party. The southern leaders got more and more control of it, and Calhoun became very powerful. Now, Benton's deepest and strongest interest was the preservation of the Union. He believed Calhoun and the younger southerners were plotting to destroy it, and he hated them accordingly. He became less and less influential in the party, and at Washington at the same time became more and more independent and paid less attention to public opinion in Missouri. We have seen how his enemies

tried to use his stand on the money question and the annexation of Texas to defeat him in 1844, and how this first attack failed. It must be remembered, too, that the western people in general did not believe in a man's holding an office for a very long time. There was a growing feeling that it was time for Benton to retire and give some one else a chance. To the younger men who were coming into control of the party in Missouri, Benton was an obstacle to be gotten rid of at almost any cost.

In the four years after his reëlection in 1844 Benton weakened himself still further. At Washington he quarreled openly with President Polk, Calhoun, and other southern leaders, until he lost most of his influence with the party. On the question whether slavery should be permitted in the territory gained from Mexico, Benton insisted that California must be admitted at once as a free state. As for the rest of the territory, he favored dividing it by extending the Missouri Compromise line or leaving the question of slavery to the people. Calhoun denounced him as a traitor to the South, and Benton stood almost alone. In Missouri the leaders were still for the most part from Kentucky and Virginia, and proud of their southern blood. As yet there was no question of secession or disunion, so they supported the South in this struggle for new slave territory. Such was the situation when Benton's enemies returned to the attack in 1849.

Governor King. — The fight against Benton did not figure in the election of the governor in 1848. All

factions in the Democratic party united in support of Austin A. King, who was elected. King was a native of Tennessee. In Missouri he had served in the state legislature and as circuit judge. In the troubled politics of the time he was a moderate. The important events in his administration were the beginning of railroad building in Missouri and the defeat of Benton.

Jackson Resolutions. — The second and successful attack on Benton was made in the general assembly in 1849. Benton's enemies were led by such younger men as C. F. Jackson and R. M. Stewart, both afterward governors of the state, James S. Green, later United States senator, and Senator Atchison. Their method of attack was a clever one. They succeeded in passing through the Missouri assembly, with the vote of almost every Democrat there, a series of resolutions known as the Jackson resolutions, because introduced in the state senate by C. F. Jackson.

These resolutions were like those adopted about this time by many of the southern states, and not unlike those introduced into the United States senate two years before by Calhoun. These Jackson resolutions were aimed against the attempt of the North to forbid slavery in all the territory gained from Mexico. The resolutions declared that the people of a territory were the only power that could forbid slavery, and that Congress could not. They also declared that if Congress did pass any act contrary to these principles, Missouri would be found on the side of the slaveholding states in any measures to protect the South. The resolu-

tions instructed the United States senators from Missouri to vote according to these views.

Benton's Appeal. — These resolutions were no more extreme than those passed by several other states. Probably the majority of the Missouri Democrats who voted for them intended nothing more than a strong protest against the northern antislavery views. But Benton took them as a challenge. He thought, and he was right, that they were introduced by his enemies to attack him. So instead of paying little attention to them, as he might have done, he attacked the resolutions bitterly. Benton felt that the fight against him begun in 1844 was to be continued in the next election of 1850, and that it was better to make it a fight to the finish and not try to compromise and avoid it. So when he came back to St. Louis in May he published his appeal to the people of Missouri. Benton's stand was this: in the first place, these resolutions really threatened that Missouri would help the South break up the Union; in the second place, they were passed by the politicians who opposed Benton, and not by the people. So Benton refused to accept the resolutions as containing what the people of Missouri really wanted, and appealed from the politicians and the assembly to the people.

Benton began his campaign with a speech at Jefferson City, and continued it during the summer and autumn in a tour through the state. Everywhere he used the same argument that the Jackson resolutions threatened disunion. As usual when on the stump, Benton used

violent, even profane, language. He charged the leaders of the opposition with dishonesty, wife-beating, and all sorts of crimes, and when they happened to be present when he was making a speech, attacked them unmercifully. His courage as usual was beyond question, but his violence offended many moderate men.

Defeat of Benton. — The results of the appeal were seen in the state election of 1850. The split in the Democratic party was very helpful to the Whigs in the close counties. They were the largest group in the new assembly which was to elect a United States senator. Next came the Democratic followers of Benton, and last, his Democratic enemies. But no one of these three groups had a majority of the total votes. So for days the legislature voted for senator without being able to elect any one. Finally, enough of the anti-Benton members joined the Whigs to elect the Whig candidate for United States senator, H. S. Geyer of St. Louis. Benton's appeal had failed, and his service of thirty years as United States senator from Missouri came to an end.

Defeat of Atchison. — Benton, however, had no idea of giving up the fight; he never knew when he was beaten. His friends stood by him and fought for the repeal of the Jackson resolutions. The next assembly, elected in 1852, did little but wrangle over this question. In 1854 Atchison's term as United States senator came to an end, and Benton made a desperate effort to defeat him. Although an old man, over

seventy years of age, he traveled the state from end to end and spoke with all his old-time fire and violence. Again the legislature was divided into three factions, but this time no two of them could unite. After a long struggle they gave up the attempt to elect any one, and for two years Missouri had only one senator at Washington, a Whig. If Benton did not succeed in getting back to the senate himself, he at least defeated his chief enemy, Senator Atchison.

The End.—Meanwhile, in 1852, Benton was elected for one term to the national house of representatives from St. Louis, and so returned to Washington, though not to the senate. In 1856 he made the last fight of his long career. He himself was a candidate for governor, and his friends were determined to send him back to the United States senate. But Benton had steadily lost ground since 1850. He was badly beaten in the popular vote for governor, and two anti-Benton men, Governor Trusten Polk and James S. Green, were elected United States senators. After 1855 Benton had suffered torments from an incurable disease, and he died at Washington in 1858.

With all his faults Thomas Hart Benton must be judged the greatest man Missouri has produced. He was vain, pompous, quick to quarrel, and overbearing. Against these faults we must set his absolute and unflinching courage in standing up for what he thought was right. He showed this courage as a young man in Tennessee when he quarreled with Jackson and ruined his future in that state; he showed it again in

Missouri in his old age. If he had paid little attention to the Jackson resolutions it would seem that he might have been reëlected in 1850 in spite of his enemies.

Benton all his life was a hard student and a hard worker. He was a man of great ability, probably not the equal of Webster or Calhoun in intellect or of Clay in eloquence or loveliness, but he stands very high among the statesmen in our national history. He stood throughout for the West and its interests, and the West and Missouri owe him a great debt. Above all things, he stood with Jackson and Webster for the preservation of the Union. One of the real reasons for his defeat was that he remained a Jacksonian Democrat all his life, and his party grew away from him.

PROBLEM

How Benton was driven from power, 1848 to 1856.

QUESTIONS

Explain how Benton's personality was one cause of the opposition to him. In what ways was Benton a poor politician? How did he treat the younger men? What was Benton's method in politics? Why did it succeed so well up to 1840? What change was taking place in the Democratic party? How did this affect Benton? How did he show his independence of public opinion in Missouri?

In what way did his long term of office weaken him? How did he weaken himself still further after 1844? What was his opinion on the question of slavery in the new territories? How did Calhoun regard him? What was the opinion of the political leaders in Missouri?

What do you know about Governor King? What were the important events in his term?

Who were the leaders of the new attack on Benton? What were the contents of the Jackson resolutions? What was the purpose of the leaders? What was the intention of the majority of those who voted for them? How did Benton take them? - Why? On what grounds did he denounce the resolutions? Was he right? What is meant by Benton's "Appeal"? Describe it. What was the result of the election of 1850? Who was Benton's successor? How was he elected?

How did the attack on Benton ruin Senator Atchison also? Why did Missouri have only one senator for two years? Describe Benton's last fight.

What were Benton's chief faults? What were his chief virtues? How may he be compared with Webster, Calhoun, and Clay? What were the two most important things Benton stood for throughout his career? How does he rank among Missourians?

CHAPTER XV

THE KANSAS TROUBLES AND THE BREAK-UP OF PARTIES, 1854 TO 1860

Governor Sterling Price. — The desperate struggle of Benton to regain control of the Democratic party in Missouri did not show itself in the election of the governor in 1852. Both factions of the Democrats voted for Sterling Price, who was elected. Price was a Virginian who came to Missouri in 1831, and was a farmer. He had been speaker of the Missouri house of representatives from 1840 to 1844, and was elected to Congress in the latter year. As you remember, he resigned from Congress to lead the second Missouri regiment to Santa Fe. Price was the most generally popular and trusted of the younger leaders. He played a leading part in Missouri history during the Civil War. As governor, Price inherited from Governor King the problems of the railroads and the Benton struggle, and had to deal also with the Kansas troubles.

Kansas-Nebraska Act. — The Kansas troubles grew out of the question of slavery in the territories, a question which was tearing the Union asunder. Congress had settled the status of slavery in the territory gained from Mexico by the Compromise of 1850. California was to be a free state, and the people of New Mexico and Utah were to decide for themselves whether to

permit slavery or not. Oregon was a free territory, and the Missouri Compromise barred slavery out of all the rest of the country northwest of Missouri. Congress had decided on slavery in every foot of territory belonging to the United States.

Meanwhile the people of Missouri and Iowa were urging that the section west of these states be thrown open to settlement. It was the old western demand for more cheap land. For some years Congress refused this request for two reasons. In the first place, this country had been given over to the Indians as long ago as Jackson's time, and it was felt to be unfair to drive them out. Then the Missouri Compromise made it certain that any new states growing up here would be free states, and the South, as in 1820, was fighting to keep the sections even in the senate.

Finally, in 1854, Congress opened the section by the Kansas-Nebraska Act. This act repealed the old Missouri Compromise, and set up two new territories, Kansas and Nebraska, where the people were to choose for themselves as to slavery. No law in our whole history had more momentous results. It broke up the old Whig party as a national party, it was the origin of the new sectional Republican party, and in the end destroyed the Democratic party of 1860. The two sections, after 1854, moved steadily toward civil war.

Slavery in Kansas. — It was the general opinion in 1854 that Kansas would be settled from Missouri and the South and become a slave state, while Nebraska would be free. The Missourians had a vital

interest in the establishment of slavery in Kansas. Two of Missouri's neighbors, Illinois and Iowa, were free states. If Kansas should be free also, Missouri would be a peninsula of slave territory surrounded on three sides by free states. Under such conditions slavery could hardly survive in Missouri. And Missouri on the whole sympathized with the South's demand for one slave state out of the new section. All these considerations must be borne in mind when we study the interference of the Missourians in Kansas.

As a matter of fact, Kansas did not become a slave state. The first settlers were Missourians, who moved across the Missouri when the country was thrown open. They were very soon followed by a steady stream of northern settlers. Some of these were simply looking for new homes in a new country, but the majority of them came to Kansas because they hoped by their votes to make Kansas a free state. Very many of this second class had been assisted in moving, and in settling after they reached Kansas, by the antislavery societies in the North. When we consider how much Missouri had at stake, it is not hard to understand how the Missourians looked at this northern settlement. They believed that Kansas was intended to be a slave state, and that northerners had no business there anyway, and they were very angry with the antislavery societies.

“**Border Ruffians.**” — The people of western Missouri in particular had no intention to see Kansas

pass into the control of the North without a struggle. They felt that if northerners were coming all the way from New England to vote slavery out of Kansas, the Missourians could cross the river and vote slavery in. Accordingly several thousand marched into Kansas on election day, voted, and then came home. With this assistance, the proslavery party won without difficulty, and the first territorial legislature in Kansas established slavery. The antislavery men in Kansas, naturally enough, were not satisfied with the election, but the legislature was the legal government. So they drew up an antislavery constitution, set up an antislavery state government, and asked Congress to admit Kansas as a free state. There were thus two governments in Kansas, one legal, but elected by Missouri votes, the other set up by the majority of the actual settlers, but not recognized by law.

Of course these two governments could not exist side by side without coming to blows. A local civil war broke out in Kansas, which foreshadowed the national conflict of a few years later. As soon as the trouble began, the proslavery party in Kansas called on their friends in Missouri for aid, and the Missourians responded. Twice they marched to Kansas and took an active part in the war. It was at this time that the antislavery party applied the name of "Border Ruffians" to the Missouri invaders. As the Missourians themselves accepted the name and used it themselves, we may also, but it did not give a correct idea of the Missourians. No doubt some of them were reckless

and adventurous young men who went to Kansas for excitement and plunder, but the leaders and the majority of the rank and file were fighting for the principle involved. Ex-Senator Atchison was the chief organizer of the expeditions, and General Doniphan approved of them. The other leaders were of the same class of substantial and influential citizens.

As the war went on, the adventurers and desperadoes all through the West flocked to Kansas and joined one side or the other for excitement or plunder. John Brown, the fanatical abolitionist, horrified even the more moderate antislavery men by his cold-blooded massacre of five proslavery settlers at Pottawattamie. As time went on, the northern element steadily gained in strength. Atchison appealed to the South to send settlers and slaves, but no slave owner was willing to take such perishable property into the midst of civil war. Secret societies called Blue Lodges were organized all through central and western Missouri to raise men and money to make Kansas a slave state. But the Missourians proved more willing to fight for Kansas than to settle there. Finally, in 1857, the United States troops stopped the civil war in Kansas, and provided for a free election. The antislavery men won the control of the territorial legislature, and Kansas was lost to the South.

Governor Trusten Polk. — In the state election of 1856 Benton, as you will remember, was himself a candidate for governor. Although he received more than 25,000 votes, the anti-Benton candidate, Trusten Polk,

was elected. Polk, however, was governor for only a few months. When the general assembly met, he was elected United States senator and resigned as governor.

Governor Robert M. Stewart. — The special election of 1857 to choose Polk's successor was one of the closest in the whole history of the state. The Democrats nominated Robert M. Stewart, who had been one of the original anti-Benton leaders. Benton was a hopeless invalid in Washington, and his followers did not nominate a candidate, but they could not vote for Stewart. The Whigs chose James S. Rollins, a moderate, and a well-known and popular man. The result of the election was in doubt until the last counties were heard from. Stewart won by a majority of only 334 votes.

Robert M. Stewart was the first governor of Missouri of northern birth. He was a native of New York, but came to Missouri through Kentucky. He was a lawyer at St. Joseph, and a member of the state senate through the Benton struggle. Stewart was much interested in the railroads, and was president of the Hannibal and St. Joseph. In 1861 he was a determined opponent of secession, and a firm friend of the Union. During his term as governor the railroads were still a difficult question, and the Kansas troubles broke out again in a new form.

"Jayhawkers." — After 1857 there was no longer any use for the Missourians to interfere in Kansas, so the Missouri invasions stopped. Instead, in the

next three years there were numerous invasions of southwest Missouri from Kansas. In a few cases the "Jayhawkers," as the Kansans were called, were really trying to attack slavery. John Brown came back for a few months and carried off a number of slaves and horses from Missouri. But the great majority of the "Jayhawkers" were little more than robbers and horse thieves who came into Missouri for plunder. The governor of Kansas and the United States troops tried to break up these bands, but the situation became so bad in 1860 that Governor Stewart sent a force of militia to the western border to protect the settlers. This border warfare added still more to the confusion and excitement in Missouri.

National Parties. — It is not necessary to say much about the national elections in Missouri through this period until we reach the campaign of 1860. Missouri voted for the Democratic candidate for President every time. The fight against Benton did not make any difference, for Benton always supported the national Democratic ticket. In 1856 he vigorously opposed his own son-in-law, Frémont, whom the Republicans had nominated. But in 1860 the conditions were different. The old national Whig party went to pieces after the Kansas-Nebraska bill was passed, and a northern party, the Republican, appeared. In 1860 the Democratic party also split on the same old question of slavery in the territories. When you remember that to all this confusion in national politics there was added in Missouri the hard feelings of the Benton fight and

the excitement over Kansas, it must be clear that the old party divisions were fast disappearing.

PROBLEM

The Kansas-Nebraska Act and its results.

QUESTIONS

What do you know of Sterling Price? What were the chief problems during his term?

How had Congress settled the slavery questions in 1850? What was the standing of slavery in the various territories after this settlement? Why were Iowa and Kansas anxious for a new territory to the west? Why did Congress at first refuse to act? What were the terms of the Kansas-Nebraska Act? What did it say as to slavery? What were the results of that act?

What was expected as to slavery in Kansas? in Nebraska? Why was Missouri interested as to Kansas? How would a free Kansas affect Missouri? Who were the first settlers in Kansas? What were the two kinds of northern settlers? What part did the northern antislavery societies play? What was the feeling in Missouri?

How did Missouri aid the proslavery settlers in Kansas? What action did the antislavery people take? What was the situation in Kansas? What share did Missouri take in the civil war there? Does "Border Ruffians" describe the Missourians? What part did John Brown take? Why did so few slave owners move to Kansas? How did the civil war in Kansas end?

Describe the state election of 1856. What do you know of Trusten Polk? Why was a special election necessary in 1857? Describe the candidates, and the election. What do you know of Robert M. Stewart? Describe the "border warfare." Who were the "Jayhawkers"?

Describe the break-up of national parties in 1860.

CHAPTER XVI

PROGRESS OF THE STATE, 1845 TO 1860

The Railroads. — Meanwhile, in spite of all the confusion in politics in the forties and fifties, Missouri continued to grow in population and wealth. The most important development of the period was the coming of the railroads. You remember that railroads were proposed in the thirties and railroad companies formed, but that the panic ruined these early plans. In the forties, when the state was again prosperous, there was a strong demand for this better way of getting crops to market. But there was not money enough in Missouri to build the railroads needed. Most of the people were just prosperous farmers with little ready money. So the demand came that the state government should help by lending money to the railroads and that Congress should give them public land along their lines.

After long discussion the legislature in 1851 began to advance money to aid the new undertakings. The plan was for the state to lend the railroads state bonds, which the railroads could sell. The railroads were to pay the interest on these bonds and give the state a mortgage to pay for the bonds later. In 1852 Congress also lent its aid by giving the Missouri railroads great grants of public lands. With these helps the

railroad building began. On the fourth of July, 1851, the first spadeful of earth was turned for the Pacific road, now the Missouri Pacific, and others began work soon afterward. But construction went on very slowly. The contractors and engineers knew little about railroad building, and had to learn as they went along. The work cost a great deal more than was expected, and even with all the help received it was hard to raise money enough.

Early Roads. — The first locomotive west of the Mississippi was put on the rails of the Pacific route at St. Louis late in 1852. Three years later this road had almost reached Jefferson City. When the war broke out it was completed only as far as Sedalia. The Pacific did not reach Kansas City until 1865. The Hannibal and St. Joseph (now the Burlington) was more successful, and finished its line across the state in 1859. St. Joseph became the starting point for California and Oregon, and grew very rapidly. Other roads built before the war were the North Missouri (now the Wabash), as far as Macon, the Iron Mountain, as far as Pilot Knob, and the Southwest Branch (now the Frisco), as far as Rolla.

State Debt. — The plan of aiding railroad building proved much more costly than was expected. All through the fifties every assembly was requested for loans for new railroads or for more aid for the original undertakings. Altogether, the state handed over to the railroads before 1860 bonds for an amount between twenty-three and twenty-four millions of dollars.

The railroads in return had given the state mortgages to pay the interest of the bonds and to repay the principal at a later date. But by 1860 most of the railroads were unable to pay the interest. Then came the war, which almost ruined the railroads. In the end the state was forced to foreclose the mortgages, and the railroads were sold for only a small part of the value of the bonds. The result was that the state was burdened with a heavy debt, which required years to pay.

Population. — New settlers continued to come to Missouri as they had from the beginning. Between 1840 and 1850 the population increased about three hundred thousand, more than three fourths, to over six hundred eighty thousand (682,044). In the next ten years the increase was about a half million, again about three fourths, and the total was nearly twelve hundred thousand (1,182,012). In 1850 Missouri was thirteenth in rank among all the states, and in 1860 eighth. In 1860 Missouri was the most populous of the slave states except Virginia, and in white population led them all. The greater increase was still north of the Missouri river, although the southwest was also growing very fast. In 1860 all the counties we have to-day had been organized, except Worth on the Iowa line, Pemiscot in the southeast, and the city of St. Louis.

The period of very rapid growth was over by 1860. The better lands, except in parts of the southwest, had been taken up. Already Missouri was sending out her sons to open up the Far West. Soon after

1840 Missouri farmers began to move into the Willamette valley in Oregon and into southern California. Thousands of Missourians joined the rush to California in 1849. Thousands more went to Colorado when gold was discovered there just before 1860. Many of the latter painted on their wagons "Pike's Peak or Bust"; some came back with the motto changed to "Busted," but most of them stayed.

Northern and Foreign Immigration. — The character of the people changed to a marked degree after 1840. For the first time in 1850 more of the Americans in Missouri were born in the state than were born in other states. Then more and more of the newcomers were no longer from the South or border states, but from the North and from foreign countries. In 1860 over one seventh of the whites in Missouri were born outside the United States, for the most part in Ireland and Germany. The Irish were to be found in and near St. Louis; the Germans, in the city and on the farms in neighboring counties. Another seventh of the white population were natives of northern states. Ohio, Illinois, and Indiana were the best represented, with many from New York and Pennsylvania.

Slavery. — Up to 1850 the slave population was increasing in Missouri about as fast as the white, but between 1850 and 1860 it increased only about a third as fast. In 1860 less than one tenth of the total population were slaves. This is what one would expect, for of course the foreigners and the northerners brought no slaves with them. And the slaves in 1860

were increasing in less than a quarter of the counties; namely, the old slave counties along the Missouri and the Mississippi. In many of the newer counties the negroes were being crowded out by white labor, and actually decreasing in number. Slavery was never very well suited to Missouri. The state had no great staple crop like cotton or tobacco, and so no large plantations. Except perhaps in raising hemp along the Missouri, the slaves were used as household servants or for general work on the farms. For this general work the slaves were not nearly so profitable as white labor; they were not so intelligent or so industrious. By 1860 it was evident that slaves, except as household servants, would be less and less important in the future.

Cities. — Another great change in the state after 1840 was the wonderful growth of St. Louis. In the next ten years the city increased almost fivefold, to nearly seventy-eight thousand people; in the ten years following it more than doubled, to a little over one hundred sixty thousand in 1860. St. Louis was now the largest of the western cities, and stood seventh among the cities of the whole country. It was the center of trade for the upper Mississippi country, which was filling up very fast with settlers, and for the West and Southwest. St. Louis was also becoming a great manufacturing city. Outside of St. Louis the only really important cities were Independence and St. Joseph. Almost all the people of Missouri were still farmers, and the wealth of the state was in her crops and cattle.

With all this increase in prosperity and in numbers went a keener interest in education and charity. The public school system had been already adopted, but it amounted to very little until the legislature began in 1853 its liberal appropriations for the public schools. About the same time the state began to establish asylums for the unfortunate: the blind, the deaf and dumb, and the insane. Among the people generally there was growing interest in charity, in forming circulating libraries, and in education. Missouri was ready and willing to spend her wealth for worthy causes.

Forty Years of Progress. — In the forty years of statehood since 1820 Missouri had made wonderful use of her advantages. The greater part of her more fertile soils had been cleared and brought under the plow; population had increased almost eighteenfold. There were two and a half times as many people in St. Louis alone as in the entire state in 1820. Her merchants had reached out for the trade of the whole Northwest and Southwest, and St. Louis was the metropolis of the whole Mississippi valley. Missouri had become in her turn a colonizing state, and her sons were helping to found new commonwealths in the Far West. In the higher things in life, in the interest in education, charity, and religion, the progress could hardly be estimated.

The Approaching Crisis. — On the other hand, the most important crisis of her history awaited her. The South was about to attempt to leave the Union, and the North was to maintain the Union by force of arms.

Missouri had to join one section or the other. By ties of blood and sympathy Missouri still leaned toward the South, but, as we have seen, her real interests were becoming more and more western. Nearly a third of her people were not of southern blood. Clearly the choice was terribly difficult to make.

PROBLEM

The development of the state from 1845 to 1860.

QUESTIONS

What were the first railroads proposed in Missouri? What was the great obstacle to building them? How was it proposed to overcome this? How did the state aid the railroads? When did the actual building begin? Why did it progress so slowly? What was the first locomotive west of Mississippi? Describe the progress of the Pacific road. What other roads were building? How much was completed before the war? How much state aid was given? How did the state debt originate?

How much did the population increase between 1840 and 1850? between 1850 and 1860? What was the rank of Missouri in 1860 in the nation? among the slave states? How many counties have been organized since 1860? What new sections did Missouri colonize?

What part of the Missourians in 1860 were born in Missouri? in northern states? in foreign countries? How much had the slaves increased up to 1850? from 1850 to 1860? Where in the state was slavery flourishing? Was Missouri suited to slavery? Why?

How rapidly did St. Louis grow from 1840 to 1850? from 1850 to 1860? Why? What was the rank of St. Louis among the cities of the country in 1860? What were the other important cities in Missouri?

Describe the improvements in education; in charity.

What were the important fields in which Missouri made great progress, 1820 to 1860?

Why was Missouri's choice between the North and the South so difficult?

CHAPTER XVII

MISSOURI TAKES HER STAND FOR COMPROMISE

Election of 1860. — The event which brought about the secession of South Carolina and the division of the nation was the election as President of Abraham Lincoln, the Republican, or northern, candidate. The danger of this result was evident all through the campaign, and had a great effect on the voters, especially in the border states. So if we are to understand how this election showed the opinion of Missourians, we must know more about the parties and candidates in this election and what they stood for.

The Republican party was a northern, antislavery party. Its most important principle was, no more slavery in the territories, and so no more slave states. The Constitutional Union party was made up of many old Whigs and conservative men generally, and nominated John Bell of Tennessee. This party stood for compromise between the sections, and the preservation of the old Union. The Democratic party, the last of the old national organizations, split into two factions. The northern Democrats insisted that the people in the territories should decide for themselves as to slavery, and nominated Stephen A. Douglas of Illinois. But this plan of Popular Sovereignty, as it was called, had

worked so badly in Kansas that the southern Democrats would not accept it. They demanded that Congress should protect slavery everywhere in the territories. Their candidate was John C. Breckinridge of Kentucky.

Governor Claiborne F. Jackson. — Missouri was called upon to decide between these different parties in the state election of August, 1860. The Democratic managers tried very hard to hold their party together, but in vain. They nominated Claiborne F. Jackson for governor, and tried to remain neutral between the northern and southern wings of their party. But the rank and file insisted that Jackson come out for Douglas, and he did so. At once the more radical southern Democrats set up a Breckinridge candidate. The conservatives, or old Whigs, nominated Sample Orr, and the Republicans also had a candidate in the field. The real contest was between Jackson and Orr, and Jackson won. The Republican and Breckinridge Democratic candidates were far in the rear. An overwhelming majority of the people voted either for the moderate northern Democratic platform or for the conservative, which stood for compromise and the Union.

Claiborne F. Jackson was a native of Kentucky, and came to Missouri in 1825. He had served in the general assembly as speaker of the house and state senator from 1842 to 1854, and was one of the most prominent of the younger generation of leaders. He had been an original anti-Benton man, and gave his name to the famous Jackson Resolutions.

In the election for President in November, Missouri spoke even more plainly. Douglas beat Bell by only 429 votes. The votes for Breckinridge and Lincoln, the radical candidates, taken together, were ten thousand less than the vote for Douglas. The two moderate candidates had about seven tenths of all the votes cast. Bell was strongest in the old conservative slaveholding Whig counties. Lincoln received few votes except in St. Louis and the counties near by, where the Germans were numerous. The Republican party had a very able leader in Benton's old lieutenant, Frank P. Blair, but attracted very few native votes. Once more, in November as in August, Missouri had chosen the side of moderation and compromise.

When South Carolina seceded from the Union in December, and the other cotton states followed her lead in January, the chances for compromise grew less. The radical southern sympathizers in Missouri declared that the state must now prepare to join her sister slave states if the Union was to be dissolved. Governor Jackson himself in his inaugural address urged very strongly that if the Union was to be dissolved, Missouri must go with the South. But Governor Stewart, whose term had just ended, in his farewell address took a different view. He declared that Missouri ought to stand by the Union. Both agreed that the antislavery men in the North were the people really responsible for the threatened break-up of the Union, and both agreed that Missouri ought to make every effort to bring about a compromise. They did

not agree as to which side Missouri should choose if compromise failed.

The Convention. — This choice was too serious a matter to be left to the legislature; the people themselves must decide. The assembly accordingly called for the election of a convention which should consider what action Missouri ought to take in regard to secession. It was in this election that the people of Missouri really made their choice. Meanwhile, in Washington, President Buchanan was merely drifting, trying to avoid civil war until Lincoln should be inaugurated on March 4. The more moderate members of Congress, especially those from the border states, were trying desperately to find some new compromise that the Republicans would accept, and that would bring the cotton states back into the Union. Virginia had called a Peace Congress from all the states to draw up just such a compromise. That is, in January and February, even as late as March, 1861, there seemed still some hope that once more, as in 1820 and in 1850, a compromise might be worked out that would hold the sections together. This was the situation when the people of Missouri elected their convention.

Election of the Convention. — Very few people in the state were in favor of immediate secession; almost all favored more attempts at compromise. But there the agreement stopped. Almost all the Republicans and many northern Democrats and some old Whigs believed that Missouri ought to stay in the Union no matter what happened. These were called the

“unconditional Union men.” They were strongest in St. Louis, and Frank P. Blair was their leader. Another group, to which the governor and many of the state officers and Democratic leaders belonged, believed that if compromise failed Missouri ought to secede, and that the convention ought to say this plainly. These were the southern sympathizers.

But the great body of the people, as the election showed, agreed with neither of these extreme factions. They agreed that things might turn out so that in the end Missouri would join the South; that is, they refused to pledge themselves to the Union unconditionally. On the other hand, they refused just as strongly to pledge themselves to secession if Congress could not agree on a compromise. They insisted that Missouri should continue the fight to preserve the old Union. This group of “conditional Union men” was by far the largest in the state. It included most of the old Whigs and the slaveholding counties, and the majority of the Democrats. In the election they gained a majority in the convention and, it was estimated, a majority of 80,000 in the total vote. Once more and even more clearly the people of Missouri had spoken for moderation and compromise.

Action of the Convention.—When the convention met it elected as its president, ex-Governor Sterling Price. The chairman of the committee which framed the resolutions expressing the will of the convention was Hamilton R. Gamble. The leader of the majority on the floor was John B. Henderson. All three had

been elected as conditional Union men. It is impossible to give a list of all the men of first-rate ability who were members. The people in the election generally forgot the old party divisions and chose the ablest men from the different sections.

The resolutions drawn up and presented by Gamble were seven in number. The first and most important was that at present there was no adequate cause to impel Missouri to secede from the Union. This was adopted with only one vote against it. The resolutions then declared that Missouri would support most heartily the attempts at compromise still going on at Washington, and that meantime she called upon both North and South to avoid civil war. Finally, the convention decided not to disband, but to adjourn to meet again if necessary.

The more radical southern sympathizers in the convention did not wish that Missouri should secede at once. They made no attempt to pass an ordinance of secession through the convention. But they did believe that if all attempts at compromise failed Missouri must go with the South. They fought hard to persuade the convention to say this plainly, and pledge Missouri to secede if the Union were broken up or civil war broke out. The majority of the convention absolutely refused to give any pledge for the future.

It must be remembered, however, that the convention gave no pledge that Missouri would stay in the Union under any and all circumstances. No doubt many of the majority felt that when all hope of com-

promise was gone, Missouri could not join the North. Very many believed that in case of civil war Missouri and the other border states should remain neutral, helping neither North nor South. But the great majority clung to the hope of compromise even yet.

PROBLEM

Would Missouri go with the North or with the South?

QUESTIONS

What brought about the secession of South Carolina? What was the national, Republican platform and who was the Republican candidate for President in 1860? the Constitutional-Union? the northern Democratic? the southern Democratic? Who was the Democratic candidate for governor? Was he a Douglas or a Breckinridge Democrat? Who were the candidates of other parties? What did the result of the election show about public opinion? What do you know about Claiborne F. Jackson?

What was the result of the presidential election in Missouri? In what parts of the state was the strength of the Constitutional-Union party? of the Republican? Who was the Republican leader? What evidence did this election give of public opinion?

What stand did Governor Stewart take on secession? Governor Jackson? How far were they agreed? Where did they differ? What was the purpose of the convention? What attempts at compromise were being made at Washington? Did there seem to be any hope of success?

What were the factions in the election of the convention? What did each stand for? What was the result of the election? Who was chosen president of the convention? Who were other prominent leaders? What was the first resolution adopted? What were the others? What did the southern sympathizers demand? Why did the convention refuse to grant it? To what did the convention pledge Missouri?

CHAPTER XVIII

THE FIGHT FOR MISSOURI

The Radical Southern Party. — Meanwhile Governor Jackson and the southern sympathizers were not content with the action of the convention. They, too, would have welcomed compromise, but they did not believe it was possible. They were certain that war must come, and were determined that Missouri should join the South. This faction was much stronger at Jefferson City than in the convention. Governor Jackson, the lieutenant governor, and the secretary of state, and the largest group in the legislature, though not a majority, all belonged to it. They believed that the state ought to be put on a war footing, so as to be able to defend itself and help the South when civil war came. To accomplish this they tried to pass a bill reorganizing the militia, and Governor Jackson laid his plans to get control of the United States arsenal at St. Louis. The results of the election for the convention tied Jackson's hands, however, for the assembly refused to pass the militia bills when the people had spoken so plainly for peace.

The Unconditional Union Party. — The party that was determined that Missouri must stay in the Union under any circumstances and fight for the Union if

necessary, also expected civil war and prepared for it. The great majority of these unconditional Union men were the Americans and Germans in St. Louis who had voted for Lincoln in 1860. After South Carolina seceded, this party began to organize military clubs. These clubs met regularly and drilled just as militia companies would, but the men had no guns. Frank P. Blair was the leader in this movement, and the most energetic Union man in the state.

The Arsenal. — So Blair had his men ready and trained to fight for the Union. Governor Jackson knew that there were thousands of Missourians who would join him and fight for the South when he called for them. But neither party had guns and ammunition. Now, in the United States arsenal at St. Louis there were about fifty thousand guns and plenty of powder and shot. You can see what a tremendous advantage it would be for either side to get control of this arsenal. Both Blair and Jackson laid their plans with this in view. Jackson's plans were badly disarranged when the people in the election for the convention declared so strongly against secession. For some months he could make little progress.

One of the chief reasons why Blair organized his followers was to keep the arsenal out of the hands of the southerners, but for a long time he found it impossible to get the arms for his own followers. The guns were government property, and could hardly be turned over to these military clubs, even though they were strongly Union. Then all but one of the United



Frank P. Blair

States army officers at St. Louis were conservative men and did not approve of Blair and his plans. This one exception was Nathaniel Lyon, a more uncompromising Union man than Blair himself. The two men worked in perfect harmony. Blair used all his great political influence with President Lincoln to have Lyon promoted and put in command at the arsenal. Blair's brother was a member of Lincoln's cabinet, and he urged the same plan. Lincoln finally consented. With Lyon in command there was no danger that the arsenal would be given up without a struggle, but the Union companies were still unarmed.

Firing on Fort Sumter. — In April, 1861, came the firing on Fort Sumter in Charleston harbor by the Confederates, and Lincoln's call for troops to put down secession. The civil war which Missouri had done her best to prevent had come, and compromise was now impossible. What would the conditional Union men of Missouri do now? Their answer would decide the fate of the state. In the first excitement it seemed as if the majority of them would join the South. They were indignant that Lincoln should call on Missouri to furnish troops to subdue the South, and applauded Governor Jackson when he indignantly refused to obey. But the North rose as one man in support of the Union. Kentucky refused to secede, and declared that she would not aid either side. After a few days the excitement died down, and the majority of the conditional Union men in Missouri took the same view. Probably a great majority of the Missourians in April

and May honestly desired that Missouri should remain neutral.

The firing on Fort Sumter converted the southern sympathizers into active secessionists and carried over to them the minority of the conditional Union men. Governor Jackson determined to carry the state out of the Union at all costs. He called together the general assembly and secretly sent South for guns to use against the arsenal. He also ordered the militia throughout the state to go into camp for six days for drill and practice. For the St. Louis department General Frost planned a camp on the outskirts of St. Louis. With this militia force and the artillery sent secretly from Louisiana, the secessionists hoped to capture the arsenal. With the arms in his possession and the general assembly to support him, the governor believed he could carry Missouri out of the Union.

But when Governor Jackson refused to furnish Missouri militia at Lincoln's call, Blair offered his Union companies as volunteers. They were accepted and mustered into the United States service. Then they were armed at once from the arsenal. Blair and Lyon now had a well-trained and well-equipped force of Union troops. The fight for the arsenal had been won by the unconditional Union party. The remainder of the guns were sent over to Illinois for safekeeping.

Camp Jackson. — The Missouri militia assembled at St. Louis as ordered, although they now had no hopes of securing the arsenal. They pitched their tents at Camp Jackson, just outside the city. The

Union officers and men had resigned, so that these six or seven hundred Missouri militia were all strong southerners. The United States officer, General Harney, who was in command at St. Louis, was absent from the city, and Lyon had a free hand. Blair and Lyon determined to strike first and strike hard and capture this militia. They believed that unless this were done these militia camps would serve as rallying places for the ardent southerners, and that the governor would soon have military control of the state.

Accordingly, on the tenth of May, Lyon surrounded Camp Jackson with a force at least ten times as large as the militia there, and summoned General Frost to surrender. He had no choice but to obey, although he protested against this interference with the state militia. On the march back to the arsenal there was an unfortunate street fight between the soldiers and the excited crowd, and a number of persons were killed.

Militia Act. — The immediate effects of this capture of Camp Jackson were disastrous to the Union cause. Wildly exaggerated reports spread through the state that the German troops were burning and plundering St. Louis, and anger at this attack on the state militia by United States troops was universal. At Jefferson City the assembly had been hesitating, in spite of the firing on Fort Sumter. The governor was still unable to persuade it to put the state on a war footing, until the news of this attack reached it. Then in a few minutes it passed a very radical militia law and gave

the governor nearly dictatorial power to defend the state. Now at last Governor Jackson and his friends had laws which permitted them to raise an army. Men hastened to enlist in the state militia, not only the radical southern sympathizers, but many conditional Union men who volunteered to defend the state rather than to fight for the South.

Among those who now cast in their lot with the governor was Sterling Price, who was at once appointed commander in chief of the militia, or state guard. Price was the most respected and admired leader in Missouri, and his example was followed by many. Price loved the Union and had disapproved alike of the radical plans of Blair and Lyon on one side and of Jackson on the other. Now with sincere regret he made his choice and cast his lot with his state rather than with the Union.

Price-Harney Agreement. — The men for this state army were to be had in abundance, but arms were lacking. General Harney meanwhile had returned to St. Louis and restored order and confidence. He approved of the capture of Camp Jackson, but made one last effort to avert open war. At his invitation General Price visited St. Louis, and the two reached an understanding usually known as the Price-Harney agreement. Price promised that the militia should be used only to keep order and restore peace, and Harney promised not to interfere in the state outside of St. Louis. It really amounted to a recognition that Missouri would be neutral. It was welcomed by

the governor, as it gave time to organize the militia and secure arms.

Neither the government at Washington nor Blair and Lyon at St. Louis had any patience with this agreement. General Harney was recalled and Lyon appointed to the general command in his place, and Lyon would not permit Missouri to remain neutral. He called for troops from Iowa and Illinois, organized Union militia, or home guards, in the state, and prepared for war. In a last desperate effort to avert this, Governor Jackson and Sterling Price themselves came to St. Louis and held a conference with Blair and Lyon. The governor demanded that the state be allowed to remain neutral; Lyon absolutely refused. There was nothing left but war.

Clearly, Missouri was not permitted to make a free choice between North and South. Because of this interference by the national government at the demand of Blair and Lyon it will always be hard to speak positively about the real wishes of the Missourians. It is certain, however, that at no time were a majority of the people in favor of secession. Even after the firing on Fort Sumter and the attack on the state militia at Camp Jackson, neutrality was as far as the majority of the people seemed willing to go. Of course neutrality was really out of the question, and if let alone the people must have realized it. In Kentucky, where Lincoln knew the people and refused to interfere, neutrality soon gave place to support of the Union. On the other hand there were thousands of Missourians



Sterling Price

who were determined to fight for the South. Perhaps the safest statement is that whether Missouri seceded or not, her people would be divided and there would be a civil war within the state itself.

PROBLEM

The fight for Missouri.

QUESTIONS

What did Governor Jackson believe Missouri ought to do? Where was he strongest? What two things did he need for his plans? What checked him for a time? What was Blair's platform? Describe the military clubs. Why was the arsenal so important to both sides? What blocked Blair's plans? Who aided him? Why did Blair have so much influence at Washington?

What effect did the firing on Fort Sumter have on the southern sympathizers? On the conditional Union men? How did Governor Jackson reply to Lincoln's call for troops? What was the public opinion in Missouri in April and May, 1861? What were Jackson's plans now? How did he call the militia together? How were Blair's men finally armed? What was the effect?

Why did Blair and Lyon decide to attack Camp Jackson? What effect did the attack have on the people? on the assembly? Was the attack justifiable? What laws did the assembly pass? Describe the opinions of Sterling Price. What was the Price-Harney agreement? How was it received by Lincoln?

Describe the conference between Lyon and Jackson. What did Jackson propose? What was Lyon's reply? What was the result?

Why is it hard to say what the people really wanted in 1861? Why was neutrality impossible? Compare the conditions in Kentucky with those in Missouri. What does seem certain about the Missourians?

CHAPTER XIX

THE CIVIL WAR IN MISSOURI

WHEN Governor Jackson left St. Louis after the last conference with General Lyon, he destroyed the railroad bridges behind him. He called for fifty thousand militia to protect the state from invasion, and hastened the organization of his army. There seems to be no doubt that many answered his call who never would have fought for the Confederacy. General Lyon acted just as promptly. He sent an expedition through Rolla to the southwest, to cut off Jackson's retreat, and moved himself against Jefferson City by river steamboats.

Boonville. — Jackson and Price were unable to resist him. Their troops were few in number, poorly armed and trained. They abandoned the capital. Jackson went south, and Price retreated westward. The state guards made a stand at Boonville, but Lyon scattered their little force without difficulty. Price was forced to retire slowly into the southwest part of the state, picking up volunteers all along his march, while Lyon occupied the towns on the Missouri. So at the very beginning the Federals got control of the Missouri, and cut off the whole northern part of the state from the south.

Carthage. — Meanwhile the Federal force sent from St. Louis had reached the southwest. Near Carthage, their commander, Sigel, tried to block the retreat of Governor Jackson, but his force was outnumbered nearly three to one, and he was forced to retreat to Springfield and wait for Lyon. Jackson then joined Price, and all the state guards went into camp at Cow-skin Prairie, at the very corner of the state. Price set about organizing and drilling this force as well as he could, but very many of the men were unarmed, and Price had no arms to give them.

A few miles away, across the Arkansas line, was a well-equipped Confederate force under General McCulloch. Price and Jackson urged him to cross over into Missouri and help them. Lyon was hastening southward toward Springfield with a well-trained force, and Price could not hope to defeat him without aid. But Missouri had not seceded, so for some time McCulloch refused to enter the state. His orders forbade him to invade Federal territory, and Missouri was still in the Union. After a great deal of persuasion Price induced McCulloch to enter Missouri and join forces with him, and after much more persuasion to march on Springfield to attack Lyon.

Wilsons Creek. — Lyon was in a difficult position. He was miles from a railroad, supplies, and reënforcements; General Frémont at St. Louis sent him no aid, and he was outnumbered about two to one in effective men. If he tried to retreat, he was almost sure to be overwhelmed, and retreat would be very

discouraging to the Union men in the state. So he resolved to fight, and moved out of Springfield to the attack. The two armies came together at Wilsons Creek. The battle was fought with desperate bravery and terrible losses on both sides. The Union forces could not maintain themselves against the fresh troops that McCulloch and Price brought up, and just at the critical moment Lyon was killed while leading his men. But McCulloch was not willing to follow the Union army when it retired from the field, and it finally reached Rolla and the railroad in safety.

After the battle of Wilsons Creek, McCulloch retired to Arkansas and Price marched north to the Missouri river, gathering recruits as he went. Price was particularly anxious to break the Federal patrol of the Missouri river, so that the southern sympathizers north of the river could join him. For this reason he attacked the Federal force at Lexington. After an engagement lasting over two days he forced it to surrender. Again Frémont had failed to support his own troops. In fact, because of the defeats at Wilsons Creek and Lexington, and for his radical views on slavery, Frémont was becoming very unpopular with the Union men in Missouri. After the battle at Lexington he took the field in person and led a large force to the southwest. Price was forced to retreat once more, and Frémont followed him to Springfield. But before he could overtake Price and force a battle, Frémont was recalled to Washington.

Ordinance of Secession. — Although Governor Jackson had called out the state guards to protect the state

from invasion, they were fighting against the Federal troops. In the Wilsons Creek campaign they fought shoulder to shoulder with the Confederates. If they were to be successful, Confederate aid in the future would be necessary. As we have seen, this was not easy to bring about as long as Missouri was in the Union. So to simplify matters and recognize the real situation, Governor Jackson called the general assembly together at Neosho. Only a small part of the members responded. This minority adopted an ordinance of secession. The Confederate government then admitted Missouri to the Confederacy, and Price received a commission in the Confederate army. Missouri was thereafter regularly represented in the Confederate Congress at Richmond, Virginia.

Pea Ridge. — Frémont's advance had forced Price to withdraw to Arkansas and join the Confederate army there. A few months later the Federal forces followed him. At Pea Ridge, in the Boston mountains, another desperate battle took place, in February, 1862. This time the Federal forces were successful. They then occupied all northern Arkansas, and so prevented any further invasion of Missouri from the southwest. Many of the state guards now returned to their homes; the others followed Price into the Confederate army and fought bravely through the war.

Price's Raid. — Only once more was there an organized Confederate army in Missouri. Late in the war, in 1864, Price returned. This time he entered Missouri from the southeast. He marched rapidly

northward to Pilot Knob, halfway from the southern boundary of the state to St. Louis. Missouri had been stripped of Federal troops to support Sherman on his Atlanta campaign, and at first Price met with little resistance. His only hope of permanent success, however, was that the people of Missouri would rise in his favor. Many individuals joined his army, but as a whole the people remained inactive or turned out to oppose him. Most of the really earnest supporters of the Confederacy had gone south long before.

Accordingly, when Price was within forty miles of St. Louis he turned westward. But Federal troops were now pouring into Missouri, and the Missouri Union militia turned out in great numbers. Price was unable to stop long enough to capture Jefferson City, and pushed on westward. He captured Independence, but an overwhelming Federal force was close behind him, and he was compelled to retreat as rapidly as possible southward into Arkansas. On this raid Price destroyed a great amount of public property, in particular the bridges and roadbed of the Pacific railroad, but the raid as a whole was a failure.

Local Civil War. — Except in the first few months of the war, then, the military operations in Missouri amounted to little, and had hardly any influence on the war as a whole. It would be far easier and pleasanter if we could limit the story of the war in Missouri to Wilsons Creek, Pea Ridge, and Price's raid, but that would not tell the whole story. If there were few real battles in Missouri, there was constant fighting and

skirmishing all over the state in the earlier years of the war, and more or less until Lee surrendered. This local war was of two quite distinct kinds.

As the Federal forces held the Missouri river towns and patrolled the river, it was difficult for individuals from north of the river to get across the Missouri and join Price or the Confederate army. So in the first year of the war these men who wished to fight for the South usually organized into companies north of the river and tried to fight their way south across the river. This resulted in skirmishes as far north as the counties of the Iowa line. There was a certain amount of this recruiting and fighting all through the war.

The Guerrillas. — Then there were the guerrillas, or irregular troops, who kept many sections of the state in terror. Some of their leaders, such as Shelby, had regular commissions from the Confederate government, observed the rules of war, and were of real and important aid to the Confederacy. Others, like Quantrell, were outlaws, though they called themselves Confederates. In Missouri, neighbor was turned against neighbor and even brother against brother. Feeling ran so high that many men were robbed and maltreated and almost driven into lawlessness because they stood up for their opinions. Many others took advantage of the troubled times to satisfy personal grudges and follow up old quarrels. Many were drawn into the guerrilla warfare by love of adventure. The guerrillas ranged all the way from men seeking to enter the Confederate army, through others who were driven

into this warfare by the outrages of their neighbors, to cold-blooded criminals. All alike were noted for their endurance, dash, and reckless bravery.

These irregular bands presented a very difficult problem for the Federal commanders. They burned the railroad bridges, tore up the tracks, cut off small bodies of Federal troops and militia, and robbed or killed Union sympathizers. Whenever they appeared the Federal troops were sent after them, but seldom caught them. The guerrillas could find secret sympathizers or blood kin to help them in almost every community. No man dared deny them food or shelter or to give information against them, for they were desperate men who stopped at nothing.

Martial Law. — In dealing with the guerrillas, and, in fact, in Missouri generally in the earlier years of the war, the Federal officers and the troops from the neighboring states treated Missouri very much as a hostile country. Missouri had a bad reputation in the North because of the Kansas troubles and Camp Jackson. The officers thought that Missouri was in the Union against her will, and that most of the people outside of St. Louis were really on the side of the South. Accordingly martial law was proclaimed over large sections of the state, men were arrested and imprisoned on mere suspicion, and newspapers were seized and suppressed. In dealing with the irregular troops, prisoners were tried and executed by military law on very slight evidence in order to frighten the people into submission. Such was the well-known Palmyra massacre.

Order Number 11. — The most difficult part of the state to control was the western border, partly because the Kansas troubles had left so much bitterness behind, and partly because the guerrillas there could escape so easily into Indian Territory or Texas. After Quantrell, the best-known of the more reckless guerrilla leaders, had sacked Lawrence, Kansas, in 1863, General Ewing, the Federal commander in western Missouri, decided to adopt desperate measures. He issued his famous "Order Number 11." This order commanded all people living in Jackson, Cass, and Bates counties, and part of Vernon,—counties along the Kansas border,—to leave their homes and move within the Federal lines. All grain or fodder was to be brought to the Federal stations or destroyed.

The order was carried out ruthlessly, with what seems a great deal of unnecessary destruction of houses and buildings, and even, in some cases, the killing of persons suspected of disloyalty. However bad the situation was, and however hard it was to deal with the guerrillas, who had many friends in these counties, there was no justification for such a wholesale oppression of the people and destruction of property. Sometimes it almost seemed as if the Federal officers were making it hard for any Missourian to support the Union.

Missouri Troops. — During the whole war nearly one hundred and ten thousand Missourians were enrolled in the United States army. Many of them, it is true, never left the state, but there was plenty of fighting to do within Missouri itself. The records

of the Confederate army are very incomplete, so it is impossible to say just how many Missourians were in the Confederate army. If we include the state guards at the beginning of the war, perhaps forty thousand is a fair estimate of the number who fought for the South. In all, about one hundred and fifty thousand men served on one side or the other. Certainly the Missourians had the courage of their convictions, and were willing to give their lives for what they believed was right.

PROBLEM

The Civil War in Missouri.

QUESTIONS

What were the preparations of Jackson? What were Lyon's plans? What do you know of the battle of Boonville? What were the movements of Price? of Lyon? Why was the Federal control of the Missouri so important? What do you know about the battle of Carthage?

What was Price's great difficulty in organizing the state guards? What aid was near at hand? Why did McCulloch hesitate to enter Missouri? Why was Lyon in a difficult position at Springfield? Why did he decide to fight? What do you know of Wilsons Creek? Why did the Federal army escape?

What was Price's next move? Why? What compelled him to retreat? Why was Frémont recalled? Of what advantage to Price and Jackson was the ordinance of secession? How was it passed? Was Missouri a member of the Confederacy?

What was Price's line of march in his raid of 1864? What was his purpose? Why was the raid a failure? What did he accomplish?

What were the two kinds of civil war within the state? What were the different kinds of guerrillas? What was their origin?

Name two typical leaders. Why were the guerrillas such a hard problem for the Federal officers? How did the Federal generals seek to suppress them? What was the occasion for Order Number 11? What were its terms?

How many troops did Missouri furnish to the northern army? to the southern?

CHAPTER XX

THE PROVISIONAL GOVERNMENT AND THE END OF SLAVERY

The Provisional Government. — When General Lyon first moved on Jefferson City, Governor Jackson, as you will remember, left for the south, and the general assembly broke up. This left the state without a government. Accordingly, the convention, which had never dissolved, came together again and organized a provisional government. The convention declared that the offices of governor, lieutenant governor, and secretary of state, and the seats of the members of the general assembly, were all vacant. It then appointed men to hold the higher offices until a regular election could be held in the autumn. The convention also declared null and void the militia law adopted by the assembly just after the attack on Camp Jackson.

The importance of this action of the convention can hardly be overestimated. It is true that the president of the convention, Sterling Price, was in the southwest, organizing the state guards, and that some twenty other members had gone south, but the convention was still a body representing all but the secessionists. Thousands of people rallied to the support of this provisional government who would otherwise have

fought for Governor Jackson. The moderates had now a loyal Union state government to support and obey.

Governor Hamilton R. Gamble. — The convention showed the greatest wisdom in their choice of the provisional governor. For this very difficult place they chose Hamilton R. Gamble of St. Louis. Gamble was an old-line Whig, for years prominent in Missouri history. He was a native of Virginia, who came to Missouri in 1818. He was appointed secretary of state in 1824, and was a member of the assembly in 1844. In 1851 he became chief justice of the Missouri supreme court. Gamble had not been an active politician, and was better known as a leading lawyer. In the troubled times just after South Carolina seceded, Gamble was a conditional Union man. In the first meeting of the convention he was the author of the resolutions which described Missouri's demand for compromise. After the firing on Fort Sumter and the attack on Camp Jackson Gamble became more uncompromising in his Unionism, but he never was in sympathy with Blair and the radicals. He represented excellently the conservative sentiments of the majority of Missourians.

Governor Gamble's task was a hard one. He had to form a state government in the midst of civil war, and restore law and order. The state treasury was empty, and it was impossible to collect taxes. The state was occupied by Federal troops, and the officers at first had little confidence in his loyalty. Everything was in such confusion that elections could not

be held in the fall, as the convention had planned. Accordingly, the convention met for a third time and passed certain necessary laws. It reduced salaries of all officials, and provided for borrowing money. It also provided for a loyal state militia. Governor Gamble at once organized this militia. The Federal government armed and equipped it. Gamble persuaded Lincoln to use it as far as possible in Missouri, instead of troops from other states. After the battle of Pea Ridge it took the place of the Federal troops in most parts of the state. Gamble did his best, also, to protect the people from martial law and the oppressive acts of the Federal officers. For all this he was heartily disliked by the radical Union men, but Lincoln steadily supported him.

Test Oaths. — There were, as you see, really two state governments in Missouri for the first year of the war, the southern, or secessionist, headed by Governor Jackson, and the unionist, with Governor Gamble. To clear up the confusion, the convention at its third meeting in 1861 declared that every state and county official must take the oath of allegiance to the provisional government and to the Union. Many officials refused and were driven from office, but the oath gave Governor Gamble a set of loyal officers. Before the next regular election for the general assembly in 1862 the convention met for the fourth time. It now decided that Governor Gamble should hold office for the full four-year term. It also provided that no man should vote unless he took the oath of allegiance and had not been in arms against the Union. Certainly

no man ought to have a share in a government he was trying to destroy.

Emancipation. — Meanwhile the great issue in politics was the emancipation of the slaves. There had always been considerable quiet opposition to slavery in Missouri, but it never could accomplish much because the people were angered by the violence of the northern abolitionists. Benton's influence had always been against the spread of slavery, and his chief follower, Blair, had become a Republican. And as we have seen, slavery was losing ground in Missouri after 1850. In all the turmoil and confusion of the first year of the war slavery practically came to an end. That is, a master could not regain his slave if he ran away. The slave could escape to the Federal army or to one of the neighboring free states. The demand that slavery be abolished by law grew very fast.

New Parties. — In the election for the general assembly in 1862 the emancipationists elected a large majority of the members, but there was no agreement as to how emancipation should be brought about. Two new parties grew up on this issue. One of them, the conservatives, believed that emancipation ought to be slow and gradual, and that the slaves ought to be kept under the control of their old masters until they could learn to take care of themselves. Governor Gamble and most members of the convention were conservatives. On the other hand, the radicals believed that slavery ought to be destroyed once and for all, without any conditions.

The general assembly, under the constitution, could not abolish slavery, so the convention met for the fifth and last time in 1863. It adopted an elaborate plan of gradual emancipation. This did not suit the radicals at all. They even sent a delegation to Washington to persuade Lincoln to interfere in Missouri politics in their favor. Lincoln sympathized with their wish to destroy slavery, but refused to interfere. Instead he urged all Union men in Missouri to support Governor Gamble and to unite in defense of the Union. The radicals were determined; they had able leaders and a very definite platform. The conservatives were not well organized, and were moderate and not very energetic. The radicals gained ground rapidly, and won a complete victory in the election of 1864, electing their candidate for governor and a majority of the assembly.

Ordinance of Emancipation. — At the same election the people voted to hold a constitutional convention. The radicals elected a large majority of the delegates. The first act of this convention after it met in January, 1865, was to pass the Ordinance of Emancipation. This ordinance abolished slavery immediately and entirely. Thus Missouri, by her own independent action, abolished slavery before the Thirteenth Amendment of the national Constitution abolished it everywhere in the United States.

The Civil War was now at an end in Missouri, and almost over in the nation. Sherman had marched to the sea, and Grant was tightening his grip on Richmond.

Missouri had suffered severely in loss of lives and property, and in the division of her people. Now that the Union was preserved and slavery done away with, it would seem that the people might forget their differences and settle down to the task of repairing the damages of the war. But this was not to be. The Civil War in Missouri had been too fierce, the feelings too bitter, to permit either side to forgive and forget for five long years.

PROBLEM

The provisional government and the end of slavery.

QUESTIONS

How was the state government affected by Jackson's flight from Jefferson City? How was a new government provided for? Describe the action of the convention. Why was it important? What do you know of Hamilton R. Gamble? What was his task? Why was it so difficult? Why were there no elections in 1861? How did Gamble secure men and money for a Union militia? How was it organized? What were Gamble's relations with the Federal officers? with Lincoln?

What was the first test oath? Why was it adopted? What was the second test oath? What were the reasons for it? Were these oaths justifiable?

What was the new issue in politics? What was the earlier opinion about slavery in Missouri? What was the position of Benton? of Blair? What effect had the war on slavery in Missouri?

What new parties appeared on the question of emancipation? What were their principles? What was the position of Gamble and the convention? What was the action of the convention as to emancipation? What did the radicals ask of Lincoln? What was his answer? Why did the radicals gain in strength? Describe the election of 1864. How was slavery finally abolished in Missouri?

CHAPTER XXI

RADICAL RULE AND NEW PARTIES, 1864 TO 1870

Confusion of Party Names. — One of the most confusing things in Missouri history in the sixties was the change in meaning of the old party names. The old Democratic and Republican parties disappeared in 1861, and the new parties which adopted the same names after 1865 were quite different. For example, Frank P. Blair was the leading Republican in the state in 1860, yet in 1865 he was reorganizing the Democratic party. Again it would be very unfair to call every man who voted for Lincoln in 1864 a Republican, because Lincoln was really the Union candidate. After the war the great majority of the old Whigs were ardent Democrats. This chapter will try to explain how these new Republican and Democratic parties arose.

Beginnings of New Parties. — As we have seen, the first division of the Union men was over the method of emancipation, the conservatives favoring gradual, and the radicals immediate, emancipation. In 1863 the radicals held a convention and nominated candidates for supreme court judges, but the ticket was beaten by a small majority. In 1864, as you remember, the radicals made a clean sweep in the state election. Perhaps it is fair to call the radicals “Republicans,”

although many of them later joined the Democrats, and although Blair was a conservative. Practically all the conservatives were later Democrats.

Governor Thomas C. Fletcher. — The radical candidate for governor was Thomas C. Fletcher, the first native-born Missourian to hold the office. He was a lawyer, and was of course a strong Union man. He had command of a regiment in the war. Although elected as a radical he was more conservative than his party before his term was over.

The Convention of 1865. — The new constitutional convention, which was controlled by the radicals, had been called to deal with three problems; slavery, the right of voting, and such general revision of the old constitution as seemed necessary. Slavery, as we have seen, was taken up first and abolished immediately. The convention then proceeded to draw up an entirely new constitution. In general this new frame of government was a good one, and of course much more modern than the original constitution of 1820. The provisions as to corporations and education were a great improvement. Among other changes, the term of the governor was changed from four to two years. But all the good points of the new constitution were overshadowed by the new restrictions on the right of voting.

The Ironclad Oath. — The old convention had excluded from voting and office holding all who had fought against the Union, or who would not swear to support it. Now that the war was practically over

it would seem that there was little reason to continue even these tests. But the convention of 1865 imposed much harsher and more sweeping restrictions. It provided for a very long and detailed test oath so strictly drawn that it was known as the "ironclad oath."

In taking this oath a man had to declare that he had never in any way, by word or deed, given aid to the South, or shown it sympathy. No one who had not been at all times an active and unconditional Union man could take the oath, and that was the intention.

No man could vote or hold office unless he could subscribe to this test. More than that, no lawyer, teacher, or minister could practice his profession unless he took the ironclad oath. Nothing can give you a better idea of how sharply the state was divided during the war, and how bitter were the feelings, than this attempt to bar out all but the unconditional Union men. The leading spirit in the convention was Charles D. Drake, and both convention and constitution were often known by his name.

Revival of the Democratic Party.—The constitution provided that no one could vote on its ratification unless he could take the oath. In spite of this restriction the people gave only a small majority in its favor. Once adopted, however, the ironclad oath kept the Republicans in power until 1870. Against the oath were united all who had taken the side of the South, most of the conservatives of 1862, and very many of the unconditional Union men. Leaders like Frank P. Blair and John S. Phelps, who had fought

bravely in the field for the Union, were bitterly opposed to the test oath. They at once set about organizing this opposition into the new Democratic party.

Another reason for the revival of the Democratic party in Missouri must be found in national politics. In Congress the radical party had got control, and was imposing harsh conditions on the seceded states and the southern whites. Thousands of Union men in Missouri had not lost their sympathy for the South, although they believed the South was in the wrong in the war. So when the Republican Congress imposed negro suffrage and the carpetbag government on the seceded states, these men became Democrats. But as long as the ironclad oath was required the Democrats were helpless because so many of them could not vote.

The Split in the Republican Party. — From as early as 1866 there were really two factions in the Republican party in Missouri, the liberal and radical Republicans. The radicals were altogether in favor of the test oath. Many of them were perfectly sincere in believing it altogether necessary and proper. Some of them were interested in it because it would keep their party in power. The liberals regretted that such harsh measures seemed necessary, and believed that they ought to be repealed just as soon as it was safe. Their solution was to give the negro a vote so he could protect himself, and repeal all restrictions on the whites. Carl Schurz and B. Gratz Brown were the leaders of the liberals.

Governor Joseph W. McClurg. — For a time these two factions were able to work together because they both supported negro suffrage. In 1868 they nominated for governor, Joseph W. McClurg. Like Governor Fletcher, he was a native Missourian, and an uncompromising Union man. McClurg had been a member of the convention of 1861 and a representative at Washington from 1862 to 1866. He belonged to the radical wing of his party. The Democrats nominated John S. Phelps, but McClurg won by a large majority. In the presidential election Frank P. Blair was the Democratic candidate for Vice President, but Grant carried Missouri for the Republicans.

United States Senators. — Missouri had a number of United States senators during the sixties. In 1861 Waldo P. Johnson was elected to succeed James S. Green, but both Johnson and Polk were expelled from the senate for disloyalty. In 1863 the assembly chose two strong Union men, John B. Henderson and B. Gratz Brown. When Brown's term expired in 1867 the radical Republicans sent their leader, Charles D. Drake, to Washington in his place. In 1869 the liberal Republican leader, Carl Schurz, succeeded Senator Henderson. All these senators were men of unusual ability; Henderson in particular was one of the leaders of the senate.

Opposition to the Oaths. — The ironclad oath was adopted in the first place in 1865 by a small majority, and steadily grew more and more unpopular. A number of professional men were arrested because they tried to practice without taking the oath. When

ministers of the gospel were punished for their refusal, public opinion revolted. Governor Fletcher proposed that this part of the oath be repealed. The United States Supreme Court declared the test oath unconstitutional so far as it applied to the right to practice professions, and so this part of the law was done away with.

The test oath was still required of all voters and officeholders. The way in which the law was carried out made it still more unpopular. Registrars of voters were appointed in the various districts. These registrars had the power to refuse to permit a man to vote after he had taken the oath, if they believed he had sworn falsely. In some parts of the state this power was used to bar out all voters who were not radical Republicans. More and more of the Republicans joined Schurz and the liberals.

Election of 1870. — Congress in 1869 submitted to the states the Fifteenth Amendment to the Constitution. This amendment declared that no man should be denied the right to vote because of race, color, or previous condition of servitude; that is, it provided for negro suffrage. The liberal Republicans in Missouri were now satisfied, and demanded that the iron-clad oath be repealed. The radicals were not ready for this. The question was fought out in the Republican state convention. When Schurz was defeated there by a few votes, he led the liberal delegates from the hall and nominated a separate ticket. The liberal candidate for governor was B. Gratz Brown, and the platform an immediate repeal of the test oaths. The

radicals renominated Governor McClurg. The Democrats were fighting chiefly for this repeal, so they nominated no candidate and voted for Brown. He was elected by a large majority.

Repeal of the Ironclad Oath. — Opinion was so strong against the oath that the general assembly submitted the question of its repeal to the people in the election of 1870. The Missourians voted about eight to one in favor of the repeal. Probably they would have voted for repeal four years earlier if they had had a chance. After 1870 every Missourian had the right to vote and have a share in the government. The control of the state now went back to the more conservative classes, and the radical period was over. It was some years, however, before parties were fully organized and party lines clearly drawn.

PROBLEM

The radical rule and the new parties.

QUESTIONS

Why are party names so confusing after 1861? Explain from the case of Blair; of the old Whigs. When do new party divisions appear? When can the name Republican be properly used? What party did most of the conservatives join later?

What can you say of the election of 1864? What do you know of Governor Fletcher?

For what three things was the convention of 1865 elected? What action did it take on slavery? on revising the constitution? What were some of the good points of the new constitution? What change was made in the term of the governor? Describe the test oaths of the old convention. What was the ironclad oath? What was its

purpose? Who were compelled to take it? Who was the leading spirit in the convention of 1865?

What classes opposed the new constitution? Who were their leaders? What was the origin of the new Democratic party? How did national politics affect it? What were the factions in the Republican party in the state? What did each want? Who were the leaders of the liberals? How did the two factions hold together? What do you know of Governor McClurg?

Who were the United States senators between 1860 and 1870? What is said of them?

Which part of the ironclad oath was generally unpopular? What was Governor Fletcher's proposal? How was this part done away with? What were the powers of the registrars of voters? How did some of them abuse their powers? Describe the break in the Republican party in 1870. What were the platforms and candidates of each faction? What did the Democrats do? What was the result of election? How was the ironclad oath repealed? What were the results?

CHAPTER XXII

THE LIBERAL REPUBLICAN MOVEMENT AND DEMOCRATIC SUPREMACY

Governor B. Gratz Brown. — B. Gratz Brown was a Kentuckian who came to St. Louis a little before 1850. He was a lawyer, and soon went into politics. From 1852 to 1858 he was in the assembly, where he was a leader of the Benton men. He joined the Republican party and was an unconditional Union man in 1861. From 1863 to 1867 he was in the United States senate, and joined Schurz in organizing the liberal Republican faction. Brown was the logical candidate of the liberals.

The combination of liberal Republicans and Democrats worked so well in 1870 that it was tried again in 1872. This time the two parties met in convention in adjoining halls at the state capitol. They agreed to divide the ticket between the two parties, the Democrats getting the lion's share. The liberals were to nominate the candidates for lieutenant governor, secretary of state, and registrar of lands; the Democrats, the candidates for the other state officers. Then both conventions were to adopt the whole ticket. The plan was carried through without a hitch. Now that all could vote, the Democrats were made up of all

sorts of men, from those who had been radical secessionists like Vest, to unconditional Union men like Blair. They found it impossible to agree on any man who had taken an active part in the war, and finally nominated Silas Woodson. Although the radical, or regular, Republicans nominated their strongest leader, John B. Henderson, Woodson was elected by a large majority.

Liberal Republican Movement. — Meanwhile the Democrats and the moderate Republicans all through the country had been watching Missouri politics with great interest. The combination of 1870 worked out by Schurz and Brown with the Democrats appealed to thousands all through the North. Moderate Republicans were disgusted with the conditions in the South and with the corruption at Washington. On the other hand, the Democrats could not hope to win without Republican aid. In 1872 the Missouri liberals issued a call for a national convention which should adopt a platform and nominate a candidate for President that both liberals and Democrats could support.

The plan was received with enthusiasm all through the North, and the convention met at Cincinnati. Carl Schurz was chosen chairman. The platform adopted called for reform all along the line and for home rule in the South, just the things that the Democrats and liberals wanted. But the convention blundered very badly in naming a candidate for President. Instead of selecting a man who really stood for these principles, they nominated Horace Greeley. Greeley was a

regular Republican who had quarreled with Grant, and really had not much sympathy with the Cincinnati platform. He never had been either a moderate or a reformer. The Democrats of the country accepted the platform and nominated Greeley. B. Gratz Brown was nominated for Vice President.

The Democrats accepted Greeley very unwillingly, but voted for him to carry out their part of the agreement. Probably Grant would have been elected on his war record anyway, but Greeley was an impossible candidate. He did carry Missouri, but was badly beaten the country over. Once more Missouri had taken the leading part in a national movement affecting the whole country.

Governor Silas Woodson. — Silas Woodson was a native of Kentucky. He had been a leading lawyer and a prominent Whig leader in Kentucky, and an opponent of slavery before he came to St. Joseph. In Missouri he became a moderate Democrat. He did not take an active part on either side during the war, but after 1865 he was active in reviving the Democratic party. His moderation and conservatism made him an excellent compromise candidate in 1872. He was nominated almost by acclamation after the convention had been voting some time on more positive candidates. His character and record made him an excellent man for governor in this rather confused period.

In Missouri after 1872 the liberal Republicans disappear as a separate party. Some of them went back to the regular Republican party; some, like Schurz,

were really independent ; but the greatest number became Democrats. This made the party still more complex and harder to bring to an agreement. In 1873 it was impossible to carry the whole party to the support of Frank P. Blair, who had previously been chosen a United States senator to fill a vacancy, and now was a candidate for reëlection. In the end, Louis V. Bogy was elected. Bogy was not a very prominent man, nor had he taken much part in politics. For this reason all the Democrats could support him.

Governor Charles H. Hardin. — Again in 1874 the Democrats nominated and elected a moderate candidate for governor, Charles H. Hardin. Hardin, like so many of his predecessors, was born in Kentucky. Before the war he was one of the leading lawyers in central Missouri. He served several terms in the assembly between 1850 and 1860. Like Woodson, he had been inactive during the war and had joined the new Democratic party after peace was restored. In 1874 he had been elected state senator.

Convention of 1875. — Ever since the conservative elements had won control of the state in 1870 there had been a demand for a new constitution. This was opposed because of the expense and because the Drake constitution of 1865 worked very well after the iron-clad oath was repealed. In the election of 1874 the people, by a majority of a few hundred votes, declared in favor of a new constitutional convention. The convention which met and drew up our present constitution in 1875 was extremely conservative. The new

constitution showed this in many ways. The powers of the legislature and of the county courts were much limited, especially in laying taxes and borrowing money. A vote of the people was required for the more important acts. The convention also restored the old four-year term for governor. When we consider the times and all the confusion and harsh and unwise legislation of the years just past, this extreme conservatism seems very natural and desirable. To-day, now that times have changed so completely, the constitution of 1875 is an obstacle to progress and restrains the government too much.

Senator F. M. Cockrell. — Meanwhile the divisions and questions arising from the war were sinking into the background, and new issues were taking their place. This is shown in the growing union in the Democratic party and in the election of more positive men. For example, the assembly elected as United States senator to succeed Carl Schurz in 1875, Francis M. Cockrell. Cockrell had taken a decided stand during the war. As soon as the war broke out he joined the Confederate army and fought gallantly to the very end. When he surrendered at last he was a brigadier general in the Confederate army. After the war he came back to Missouri and practiced law. As soon as the ironclad oath was abolished, he became an active Democrat, and all but won the nomination for governor in 1874. His courage, honesty, and fairness made him a popular man in Missouri and in the United States senate. He was reëlected every

time until the Republicans carried the state in 1904. General Cockrell is still living (1912), nearly eighty years of age, respected by all.

Governor John S. Phelps. — For governor in 1876 the Democrats elected another positive man. John S. Phelps was a native of Connecticut, who came to Springfield in 1837. He soon became a prominent lawyer and political leader. After serving in the assembly he was sent to Congress in 1844 and was re-elected until 1862. He was a strong Union man. He commanded a regiment, and served for a time as military governor of Arkansas. After the war Phelps took an active part with Blair in reviving and reorganizing the Democratic party in Missouri, and was one of its most prominent leaders. He was Democratic candidate for governor in 1868. The memories of the struggle were too vivid to make him an acceptable leader to many Democrats, but by 1876 they had forgotten their old differences, and Phelps was elected. He was one of the strong men in Missouri history.

Tilden, the Democratic candidate for President in 1876, carried Missouri by a large majority. Missouri had now become a strongly Democratic state, and remained so until the election of 1904.

PROBLEM

The liberal Republican movement and Democratic supremacy.

QUESTIONS

What do you know of Governor Brown? Describe the combination of parties in 1872. How was the ticket divided? Who were the candidates? Why did the Democrats choose a moderate?

Why was the whole country interested in this political combination? Why were many northern Republicans dissatisfied? How was the Cincinnati convention called? Who was its chairman? What was its platform? Who was its candidate for President? for Vice President? What was the result of the election?

What do you know of Governor Woodson? Of Governor Hardin? Who was Louis V. Bogy?

Why was a new constitution desired? Why opposed? What was the character of the convention elected? of the constitution? What were some of the important changes made?

How was the union of the Democratic party shown? What do you know of Senator Cockrell? of Governor Phelps?

CHAPTER XXIII

ECONOMIC AND SOCIAL CHANGES, 1861 TO 1875

Missouri during the War. — We have seen that the fifteen years after 1861 were a time of great confusion and violent changes in politics in Missouri. This is true of the life of the people in general. In the last half of 1861 government was almost at a standstill. In many counties there were no county officers who would take the oath of allegiance, and the people did not know whether to recognize Governor Jackson or Governor Gamble. It was impossible to collect taxes, and the schools were closed all over the state. After General Price was driven from the state in 1862, Governor Gamble gradually restored law and order. This came about more quickly north of the river than in the southern part of the state. Throughout the war the guerrillas and soldiers returning from the Confederate army destroyed railroads, burned bridges, and attacked Union men. They could always find secret support from their relatives or from those who secretly favored the South. This local civil war, flaring up at every opportunity, was Governor Gamble's hardest problem and kept the state in confusion.

Confusion after the War. — After Lee surrendered and the war was over, it was years before peace was

restored in Missouri. Many of the guerrillas, as we have seen, were really lawless men who had taken advantage of the war. They now continued the same life, except that they turned to robbing the trains and stagecoaches and banks. They still found considerable sympathy among those who had supported the "lost cause." Many Missourians who came back from the Confederate army found their neighbors so bitter against them that they could not easily start life afresh, and some of these, too, took up a life of lawlessness. The ironclad oath added to their bitterness. The James and Younger brothers are the best-known examples of this desperate class. Many of them had suffered injustice, but they did the state a great amount of harm at home and abroad.

Loss of Population. — Many of the Missourians who fought so bravely in the Confederate armies could not bear to return and submit to their victorious enemies. Some went to Mexico, but most of them went west to Colorado, Oregon, and the new country opening up in Montana. Because of those who were killed on both sides and those who moved away from the state, the total population was probably less in 1865 than it was in 1860.

Growth in 1865-1870. — In spite of this, by 1870 the population had grown to nearly one million and three quarters (1,721,295), an increase of nearly one half since 1860. This increase was to be found in the cities and in the more newly settled parts of the state, in the north and northwest and in the southwest. Very

many Union soldiers from Ohio and Indiana and Illinois, who served in Missouri, came back to settle after the war because of the cheaper land. The state set up an immigration office and advertised Missouri all through the East and abroad. The years after the war were a time of general migration westward, and Missouri got her share. So from 1865 to 1870, and indeed to 1872, her population increased about as fast as ever.

Sale of Railroads. — The railroads were one of the hardest problems of the state government. Only one of them, the Hannibal and St. Joseph, had paid the interest on the mortgages given before the war. All the others were bankrupt. They had suffered great losses during the war, and at the close their rails and rolling stock were worn out. During the war the Pacific road was completed to Kansas City, but the other roads stood still. After the war Missouri did not have a very good reputation in the East, and the railroads could not raise money. So the state was forced to foreclose its mortgages and either run the railroads itself or sell them for what they would bring.

After much discussion the roads were sold. They owed the state nearly \$32,000,000, the principal and unpaid interest on their bonds, and were sold for a little over \$6,000,000. While they were not worth what they owed the state, they were worth much more than what they brought. There were ugly stories of bribery and corruption in the state legislature, which probably were at least partly true. In a way the state

received more than \$6,000,000, for the buyers agreed to complete the railroads. This was done very soon. The North Missouri was built up to the Iowa line and to Kansas City, the Southwest Branch to Springfield and beyond, and the Iron Mountain to Arkansas.

New Railroads. — The people were eager to have more railroads, although the state had lost so heavily on these earlier ones. All sorts of plans were put forward, and many counties voted bonds to aid new railroads. Some of the plans were honest and the railroads actually built; many of them were frauds. Sometimes the county officers issued the bonds in good faith and the promoters disappeared without building the road. In other counties the officials were dishonest and divided the proceeds with the promoters. To-day the unused grading for such railroads may be traced in some counties, and some counties never have been able to pay their bonds.

Debt and Taxation. — After the war closed in 1865 the total debt of the state was about \$36,000,000. By selling the railroads, heavy taxation, holding back the school funds, and by using grants from the United States for war expenses, this was cut down to about \$21,500,000 in 1869. To this must be added the county debts for railroads. Still, up to 1872, Missouri was on the whole prosperous, prices were high, taxes were going down, and when the ironclad oath was done away with and the conservatives came into power, things looked very bright. The conservatives cut down expenses and set about paying the debt. Just at this

time, in 1873, there was a panic in the whole country, and hard times were almost as severe as in the earlier panic of 1837. Then the debts became a great burden, taxes were hard to pay, and Missouri suffered severely. Prosperity did not revive much before 1880.

Education. — In many ways the state was advancing in spite of the confusion and the hard times. The school funds were restored to the use of the schools, and the state once more gave one fourth of the total revenue to them. The state made its first appropriation to the State University, and in the seventies established there the College of Agriculture, Law and Medical Schools, and the Engineering School. For the training of teachers a normal department was established at the University, and three separate normal schools were organized. Thus the broad foundations of our present school system were laid.

Cities. — The cities of Missouri increased tremendously from 1860 to 1870. Hannibal and St. Joseph, at the two ends of the first railroad across the state, doubled in population, and St. Joseph had nearly twenty thousand (19,565) people. When the Pacific road was completed, Kansas City became the great headquarters for western trade. A little later railroad connection to Chicago was completed. Kansas City grew from a little town of less than five thousand to a vigorous western city of over thirty thousand. Most remarkable of all was the growth of St. Louis, which almost doubled in size, to a population of over three hundred thousand. St. Louis was in 1870 the largest

city in the West, and the third largest in the country. In 1874 the famous Eads bridge across the Mississippi was opened, and St. Louis had an uninterrupted connection with the East. Missouri was no longer a purely agricultural state.

PROBLEM

Economic and social changes, 1861 to 1875.

QUESTIONS

What were the effects of the war on local government? taxation? schools? What kept up the confusion? What were the causes of the lawlessness after the war? Who were some notorious figures?

What became of many Confederate Missourians after the war? What was the effect of the war on population? What was the increase from 1865 to 1870? How was it brought about? Where was the greatest growth?

What was the condition of the railroads at the end of the war? What action was the state forced to take? What might be done with them? Describe their sale. Did the state get a fair price? Describe their extension. What new railroads were planned? What was the unfortunate result of many of them?

What was the state debt in 1865? in 1870? How was it reduced? What was the policy of the Democrats? What is said of the prosperity of the state? of the effects of the panic? of the advances in education? of the State University? of the normal schools?

Why did Kansas City grow so rapidly? St. Joseph? What can you say of the growth of St. Louis?

CHAPTER XXIV

MISSOURI SINCE 1875

Governors T. T. Crittenden and John S. Marmaduke. — For twenty years after the Democrats returned to power in 1872, they won every state and national election. The majority of Missourians held the Republicans responsible for the heavy debt, the ironclad oath, and southern reconstruction; state elections turned on national issues. Thomas T. Crittenden, elected governor in 1880, had served in the Union army during the war, but like Blair and Phelps had become an ardent Democrat. He had previously been attorney-general of Missouri and a member of Congress. His successor in 1884, John S. Marmaduke, had been a brigadier general in the Confederate army and, in 1878, railroad commissioner.

Governors David R. Francis and William J. Stone. — The governors since Marmaduke have belonged to a younger generation which had grown up since the war. David R. Francis, elected in 1888, had been a prominent business man and mayor of St. Louis. In 1896 he was secretary of the interior in Cleveland's cabinet, and later was ambassador to Russia under President Wilson. William J. Stone, elected in 1892, had been a Congressman from 1885 to 1891; in 1903 he succeeded Vest as United States senator, serving until his death in 1918.

Senator George G. Vest. — George G. Vest, elected to the United States senate in 1879, like his colleague Cockrell, had been an uncompromising southern man. He had led the southern sympathizers in the legislature in 1861, fought under Price and represented Missouri in the Confederate Congress. Vest served until he declined reelection in 1903, dying soon afterward.

New Issues. — Although in party politics Missouri went Democratic year after year, more and more of the people were becoming dissatisfied. The farmers believed that their difficulties in making a living were due to the high freight rates of the railroads and that through the money system and the great corporations the East was plundering the western farmer. Through their combinations in Granges or Farmers' Alliances they secured the creation of a state board of railroad commissioners, but corporation control and cheaper money demanded action by Congress. Most of Missouri's congressmen supported these demands, particularly Richard P. Bland, who was one of the most powerful leaders in Congress for free silver from his first election in 1873 to his death in 1900.

The Populists. — For years these radicals did not form a new party, but tried to control the old ones. As time went on, the memories of the war and reconstruction times died out, and the reforms seemed more and more important. When hard times came again in 1893 party lines began to break up in Missouri, and thousands went into the new People's or Populist party, which stood for free silver and government regulation

of trusts and railroads — the things so many had been wanting for years. In 1894 so many of the Populists supported the Republican ticket that the Republicans carried the state for superintendent of schools. Two years later the Populists and the Democrats the country over united in nominating William J. Bryan for President, and he carried Missouri by a tremendous majority. The same was true in his second campaign four years later (1900).

Missouri a Doubtful State. — In 1904 the situation was different. In the first place the state debt was paid off, the farmers were prosperous, and so more conservative. The Democrats were badly divided on local issues. Again, the Democrats nominated for President an eastern conservative, Alton B. Parker, while the Republicans nominated Theodore Roosevelt, who seemed to stand more for what the Missourians and the westerners wanted; and Roosevelt carried Missouri. The prosperity continued, the Democrats split on local politics, and in 1908 even Bryan was beaten by Taft in Missouri by a very small majority. But in 1912 the Republicans were badly divided by the Progressive movement under Roosevelt, and Wilson carried Missouri; in 1916 he was again successful. But in 1920 Missouri shared the nation-wide reaction and gave Harding a majority of over 150,000.

The Later Governors. — In state politics similar changes were taking place. For governor in 1896 and in 1900, the Democratic candidates, Lawrence V. Stephens and Alexander M. Dockery, both supporters

of Bryan, were chosen. . In 1904, however, there was a bitter fight in the Democratic party for the nomination, won by Joseph W. Folk, the reform candidate. Folk was elected governor, while the Republican candidates for the other state offices were successful. The Republicans won a majority in the legislature and sent William Warner to the United States senate in place of Cockrell. Four years later the Democrats were again badly divided in choosing a candidate, and a Republican, Herbert S. Hadley, was elected governor. The legislature and most of the other state officers chosen were Democrats. In 1911, a Democratic legislature chose as senator James A. Reed (reëlected in 1917); in the same year Missouri was honored by the election of Champ Clark as Speaker of the national house of representatives. A year later he was the most prominent candidate for the Democratic nomination for President, and was barely defeated in the convention by Woodrow Wilson. In 1912 Elliott W. Major, the Democratic nominee for governor, was chosen, with the entire Democratic ticket. In 1916, F. D. Gardner, representing the more progressive element in the Democratic party, was chosen, but in 1918 the Republicans elected Selden P. Spencer to the United States senate, and in 1920 secured a majority in both houses of the assembly and elected Arthur M. Hyde governor.

Population. — Since 1870 Missouri's population had grown steadily but more slowly than in the earlier periods. In the ten years from 1870 to 1880 and again from 1880 to 1890 the increase was about a fourth,

then dropping steadily in the later decades to about a thirtieth from 1910 to 1920. In the census years from 1870 to 1900 she ranked fifth in population among the states; in 1920 she ranked ninth. Since 1880 more and more of the increase of the population was to be found in the cities until in 1920 nearly half of the people were living in towns of 2500 or more. By 1875 the better government lands had been taken up, the newcomers were going farther west and north in their search for cheap land, and for the last thirty years Missouri was becoming filled up as far as farms and farmers were concerned.

After the Civil War and the building of the railroads the river traffic on the Missouri and the Mississippi declined, and St. Louis lost much of her unique advantage of position. With better railroads and the lakes, Chicago passed St. Louis in the race for the leadership in the West and Northwest. But a new field, the Southwest, was developing, at first slowly, but in recent years faster and faster. Here St. Louis and Kansas City have all the advantages of position as in the old days of the Santa Fe trail.

Industries. — Since 1870 Missouri has become more and more important in manufacturing, in 1914 ranking eleventh among the states in value of manufactures. St. Louis ranks high in the production of boots and shoes and the preparation of tobacco, and St. Louis, Kansas City, and St. Joseph are important meat-packing centers. In the extreme southwest of Missouri there has been a great development of lead and zinc

mining. Here are now a group of prosperous and growing cities which were unheard-of in 1870. Springfield, too, has shared in the prosperity of the section. Hannibal has become one of the most important centers of cement production in the country. But agriculture and the farmers are still the most important factors in Missouri. Cereals and cattle and hogs continue the most important farm products. In the last few years there has been a great interest in better farming methods and in coöperation through Farm Bureaus, County Advisers, and similar organizations. In the southeast hundreds of thousands of acres of very fertile land have been reclaimed through drainage.

Progress. — Such improvements as the telephone and the rural free delivery of mail and the parcel post have broken down the isolation of farm life. The automobile has helped to bring within sight the good roads Missourians have been discussing for a generation, through the \$60,000,000 bond issue voted in 1920. In the last ten years there has been a marked improvement in the schools and teachers in the state. Social reform and social legislation to deal with the new industrial problems have attracted more attention. For many of these advances the frame of government which reflected so well the problems and opinions of 1875 had become a real obstacle, so that after a long agitation the people voted in 1921 to call a convention to draw up a new state constitution.

Missouri in the World War. — Missouri responded promptly and eagerly to the call to arms. She fur-

nished (to October 31, 1918) 140,257 men to the armed forces of the United States, of whom 92,843 entered the service under the Selective Service Act. Her sacrifices (to January 1, 1919) were 1,270 killed in action, and 1,531 from wounds, disease, and accident, a total of 2,801. At home the people did their part as well. In subscriptions to all four Liberty Loans Missouri furnished much more than the minimum quota asked of her, lending in all \$593,077,950. She was one of the very first states to establish a State Council of Defense, which organized councils in every county. Those councils carried out the campaigns for increased food production, increasing the wheat acreage by over 20% in 1917 and by an even greater percentage in 1918.

We have followed the history of Missouri from the untrodden wilderness down to the prosperous commonwealth you know to-day. Since 1804 at least it has been a story of almost unbroken progress in population, wealth, and civilization. Missouri has made good use of her natural advantages. In national history, too, she has done her part through her long line of able senators and representatives, her leadership in national affairs, and her great share in the development of the Far West. But Missouri is no longer a frontier "western" state. Her problem for the future is the problem of the whole United States, to preserve the best of the older western democracy toward the solution of the problems of a complex modern society.

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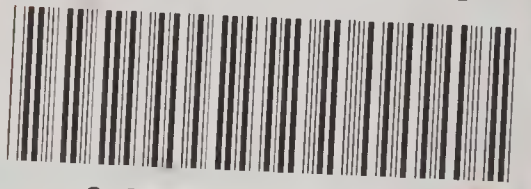
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